United Nations A/58/PV.64

General Assembly

Fifty-eighth session

Official Records

64th plenary meeting
Monday, 24 November 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 3.05 p.m.

Agenda item 39 (*continued*)

New Partnership for Africa's Development: progress in implementation and international support

(a) New Partnership for Africa's Development: progress in implementation and international support

Report of the Committee for Programme and Coordination (A/58/16, chapter III, section B, programme 8; chapter IV, section B)

The President: As members will recall, at the beginning of the consideration of this item, I reminded members of the decision taken by the General Assembly at its 2nd plenary meeting, on 19 September 2003, to review the recommendations by the Committee for Programme and Coordination and to transmit all relevant comments to the Fifth Committee prior to the Committee's consideration of the proposed medium-term plan and its revision.

As a result of that debate, it is my understanding that the General Assembly endorses the recommendations made by the Committee for Programme and Coordination, as contained in chapter III, section B, programme 8, and in chapter IV, section B, of its report (A/58/16), pertaining to the New Partnership for Africa's Development. In implementation of the decision taken by the Assembly on 19 September, it is my intention to communicate this information to the Chairman of the Fifth Committee by means of a letter. If I hear no objection, I shall take it that the Assembly agrees to endorse the recommendations.

It was so decided.

Agenda item 52 (*continued*)

Oceans and the law of the sea

(a) Oceans and the law of the sea

Reports of the Secretary-General (A/58/65 and Add.1, A/58/423)

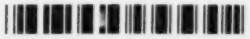
Report of the United Nations Open-ended Consultative Process on Oceans and the Law of the Sea at its fourth meeting (A/58/95)

Report of the Committee for Programme and Coordination (A/58/16, chapter III, section C.2)

Draft resolution (A/58/L.19)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

03-62888 (E)



(b) Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Report of the Secretary-General (A/58/215)

Draft resolution (A/58/L.18)

The President: Before giving the floor to the first speaker on my list, I would like, in the interest of efficiently using the time allotted for this meeting, to encourage speakers to take a seat in section D, which is to my left, while the previous speaker is speaking so that, when I give the speaker the floor, there is no loss of time while the speaker approaches the rostrum. The cooperation and support of members in this area will be greatly appreciated.

Mr. Koonjul (Mauritius): I have the honour to speak on behalf of the 44 members of the Alliance of Small Island States. We would like to associate ourselves fully with the statement delivered earlier by Morocco on behalf of the Group of 77 and China.

The Alliance of Small Island States would like to thank the coordinators for the excellent manner in which they conducted the negotiations on the two draft resolutions before us. We would also like to thank the Division of Ocean Affairs and the Law of the Sea (DOALOS) for its support. The members of the Alliance will continue to be actively involved in the elaboration of draft resolutions under this agenda item in the future.

The ocean exerts an immense influence over small island developing States. That fact cannot be overstated. Along with sustaining the livelihood of many of our nationals and shaping the cultures of island communities, the ocean continues to play a vital role in the efforts of islands to attain sustainable development. It is therefore only natural that small islands should have particular interest in matters concerning the ocean and to the law of the sea — its constitution. It is from that background that we are honoured to take part in the debate on this agenda item.

The members of the Alliance of Small Island States (AOSIS) hold the United Nations Convention on the Law of the Sea in the highest regard. Almost all AOSIS members able to sign and ratify the Convention have done so. The Convention plays an important role in contributing to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights. It also promotes the economic and social advancement of all peoples of the world, in accordance with the purposes and principles of the United Nations as set forth in its Charter. That role has never been more relevant than it is today.

Some 20 small island developing States have also ratified the 1995 Fish Stocks Agreement. However, implementation continues to be impeded by financial constraints and a lack of capacity. Added to that are the continuing challenges inherent in existing international legislative frameworks and mechanisms. Illegal, unreported and unregulated fishing and monitoring and surveillance of their own national exclusive economic zones continue to pose a tremendous challenge for small island developing States. We also encounter difficulties in monitoring and assessing straddling and highly migratory fish stocks. For that reason, there is a need to create new and to strengthen existing regional fisheries management mechanisms in order to conserve and manage that valuable resource.

We note with great appreciation that the draft resolutions focus, among other things, on the need for capacity-building for small island developing States and other groups of countries that are geographically disadvantaged in specific areas — some of which are highly technical in nature. Indeed, a lack of capacity owing to limited resources and technical know-how has continually been identified and emphasized as a major impediment for small island developing States in their efforts to effectively implement those important conventions.

We are also encouraged to observe that the fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which has come up with very interesting recommendations, has, like the previous three meetings of the Consultative Process, contributed richly to our annual debate on this agenda item. Our members welcome the decision to convene a fifth meeting of the Consultative Process, and we look forward to participating in it next June.

The General Assembly has decided to convene an international meeting in my own country, Mauritius, in

August 2004 to undertake a full and comprehensive review of the implementation of the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States. It is envisaged that the issue of oceans will feature prominently at the international meeting and in its outcome. Indeed, the roots of the Barbados Programme of Action can be traced back to chapter 17 of Agenda 21, entitled "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources". The Barbados Programme of Action itself dedicates its chapter IV to ocean-related issues in the context of small island developing States. The link between oceans and islands is internationally recognized.

In the run-up to the international meeting, three regional preparatory meetings have already been convened: in the Pacific region; in the Atlantic, Indian Ocean, Mediterranean and the South China Sea region; and in the Caribbean region. The issue of oceans, their management and health and the sustainable development of their resources were among the priority issues highlighted at those meetings. It gives us great encouragement to note that some of those same concerns are also being raised in the two draft resolutions that are the subject of our debate today.

The international meeting will be an opportune time to consider in depth relevant ocean issues including, among others, the appropriate management approaches and tools to conserve, manage and protect our ocean resources within the context of small island developing States. We hope that the issue of the transport of hazardous materials, and especially nuclear waste — which have the potential to cause serious harm to our already fragile ecosystem and marine resources on which a large percentage of our population depends for their livelihood — will receive particular attention during the deliberations.

At the World Summit on Sustainable Development held in Johannesburg last year several type II partnership initiatives were announced. As is usually the case with small island developing States and the oceans, most of those initiatives are regionally based. Those initiatives are compatible with the United Nations Convention on the Law of the Sea and indeed promote several of the concepts and cooperation regimes contained in the Convention. Several ocean-related time-bound targets were also established in the Johannesburg Programme of Implementation of the World Summit on Sustainable Development. The small island developing States will continue their efforts to strengthen existing partnerships and develop new ones so that they can meet the ocean-related targets within the context of the sustainable development of small island developing States.

The small island developing States will also continue to actively participate in future deliberations on draft resolutions under this agenda item. Increasingly, oceans and islands are not merely seen as intertwined in our own island cultures; rather, the link between them has been recognized at the global level, as is now evident in various global and international forums.

Mr. Motomura (Japan): At the outset, I would like to express my appreciation for the coordinators of the draft resolutions before us today, namely, Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States. My thanks go as well to the countries that contributed to the consultations in a spirit of cooperation and to all the staff of the Division for Ocean Affairs and Law of the Sea, who have provided invaluable support. Thanks to their able leadership and unfailing cooperation, we had very fruitful discussions during the informal consultations, which resulted in the two draft resolutions before us. The Japanese Government is pleased to be a sponsor of draft resolution A/58/L.19. Regarding draft resolution A/58/L.18, we hope that it will be adopted by consensus.

Let me begin by mentioning the regime that the United Nations Convention on the Law of the Sea has provided. The number of States parties to the Convention is now 145, and the Agreement on the Implementation of Part XI has 117 States parties. We are pleased that the Convention now provides an almost universal legal framework for ocean affairs. At this time, however, the international community is facing a range of new problems, including transnational crimes, such as terrorism and illegal trafficking in drugs, and growing pressure on the marine environment. Japan considers that each of these issues must be addressed in a manner that respects the spirit and provisions of the Convention while maintaining, in principle, its framework.

My Government is committed to continuing its support of the organs established under the Convention,

namely, the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf. We have actively participated in the work of those organs and are determined to further our contribution to their activities.

The world has been plagued by the threat of piracy and armed robbery at sea. While such incidents are occurring in all parts of the world, the majority have been perpetrated in the Asian region. Due to our concern over the increasing frequency of these crimes in the Asian region, Japan has been actively participating in the formulation of a regional agreement on cooperating in the prevention and combating of piracy and armed robbery on Asian seas. We believe that the importance of this kind of regional agreement is reflected in paragraph 37 of draft resolution A/58/L.19.

With a view to suppressing and preventing these crimes, the Japanese Government has been cooperating with South-East Asian countries, in particular in taking a variety of measures including consultation among experts, dispatching of patrol vessels and aircraft of the Japanese Coast Guard, combined exercises with those countries, holding of a maritime law enforcement seminar and accepting exchange students at the Japan Coast Guard Academy. My Government remains committed to the goal of bringing safety to the Asian seas.

Allow me next to touch upon the marine environment. The debate concerning the global environment has progressed significantly, especially since the Earth Summit, held in Rio de Janeiro in 1992, and the World Summit on Sustainable Development, held in Johannesburg in 2002, focused world attention on issues affecting the global environment.

To follow up the results of the Johannesburg Summit, the Japanese Government has been making every effort to contribute significantly to the enhancement of the ocean policies of coastal States at the national level, the strengthening of regional cooperation through the United Nations Environment Programme (UNEP) regional seas action plans and putting emphasis on the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Especially as regards the regional seas action plans, we are making progress in strengthening the functioning of the secretariat of the North-West Pacific Action Plan.

We highly appreciate the initiative taken by interested countries that have contributed to the establishment of the global marine assessment process, which is based on a previous resolution, resolution 57/141, and the Secretary-General's report of this year and which is now reflected in draft resolution A/58/L.19. My Government also intends to participate actively in that process.

We are seriously concerned about illegal, unreported and unregulated fishery activities and about overcapacity issues in global fisheries — in spite of the efforts towards sustainable use of living marine resources. As a responsible fishing State, Japan has shown a commitment to eliminating such fisheries in order to conserve the marine ecosystem. We therefore welcome enthusiastically the entry into force in April 2003 of the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas as a sign of significant progress. We hope that more countries will become States parties to the Compliance Agreement and that a global record of fishing vessels will be established by the Food and Agriculture Organization of the United Nations (FAO), thus making progress in over-capacity issues as well.

In that regard, we would like to stress that, in discussing the problems of conservation and management as well as of sustainable use of living marine resources, we should make certain that the discussion is based on scientific evidence provided by competent organizations such as the FAO and the regional fisheries management organizations, rather than relying on the United Nations, as those organizations have the required specialized knowledge and techniques to accurately assess the situation.

Lastly, I would like to express our appreciation to the Secretary-General and the Secretariat, and especially the Division for Ocean Affairs and the Law of the Sea, for all the work that went into the annual report of the Secretary-General, which describes the entire range of activities that have been conducted on ocean affairs and the law of the sea. I would also like to observe that the United Nations Open-ended Informal Consultative Process inaugurated in May 2000 has been an important forum for promoting discussion of these matters.

In concluding, I wish to reiterate that my Government will continue to contribute to the stability of the legal framework of ocean affairs and thereby to the promotion of the prudent and equitable use of the sea by the international community, in accordance with the Convention.

Mr. Kuchinsky (Ukraine): Ukraine is firmly committed to the United Nations Convention on the Law of the Sea, which represents a significant achievement by the international community and an important testimony to United Nations efforts to codify and develop the international law of the sea. the Convention's importance became even more evident when we celebrated it's twentieth anniversary last year. The Convention has proved to be not only a charter within which all activities related to oceans and seas should be carried out, but also the basis for a comprehensive system of economic and political cooperation in marine-related matters.

We cannot but emphasize the paramount importance of the 1995 Fish Stocks Agreement, which ensures conservation and management of those stocks on the basis of the principle of responsible fishing on the high seas. As a country actively participating in the international community's efforts to preserve the marine environment and to maintain and manage the fish stocks, Ukraine has become a party to that Agreement. I would like to take this opportunity to call on States that have not yet done so to accede to that important instrument in order to achieve the broadest possible participation. In this regard, Ukraine also welcomes the fact that the draft resolution to be adopted on sustainable fisheries (A/58/L.18) incorporates the recommendation of the last informal consultative meeting of the States parties to the Agreement on the establishment of a trust fund to assist developing States parties in their implementation of the Agreement.

My country has always attached great importance to the issue of fisheries. Ukraine's legislation on fisheries was developed on the basis of the provisions and principles of the Fish Stocks Agreement well before we became a party to the Agreement. Since the Ukrainian Parliament adopted the law on accession to the 1995 Fish Stocks Agreement last year, further practical steps to implement the provisions of the Agreement have been taken. They include, inter alia, Ukraine's adoption of a number of normative legal documents designed to enhance the role of the State in conducting ocean fishing and to increase the responsibility of vessel owners.

The overexploitation of living marine resources as a result of excess fishing capacities continues to be of concern to my country and to the rest of the international community. As a geographically disadvantaged country that borders a sea poor in living resources and that suffers from the depletion of the fish stocks of its exclusive economic zone, Ukraine places special emphasis on the problem of illegal, unregulated and unreported fisheries.

We strongly believe that all States should implement effective measures with respect to the conservation, management and exploitation of fish stocks to protect living marine resources and to preserve the marine environment. Better international cooperation is needed in that sphere. The crucial role here belongs to the relevant regional organizations. Regional fisheries organizations should enhance their cooperation with a greater number of States, particularly with States fishing in distant waters and with geographically disadvantaged States.

We emphasize the need to ensure effective coordination and cooperation in integrated ocean management, to facilitate sustainable fisheries and to enhance maritime safety as well as the protection of the marine environment from pollution. In that context, the Plan of Implementation adopted at the World Summit on Sustainable Development — part IV of which produced a vision of the strategy for future sustainable development of the oceans — should be implemented as a matter of priority. We are grateful to the Secretary-General for his report (A/58/65 and Add.1), which contains proposals on modalities for establishing a regular process under the United Nations for global reporting and assessment of the state of the marine environment.

The institutions established within the framework of the Convention are essential components of the global system for the rule of law on the oceans and the maintenance of peace and security there. We note with satisfaction the effective functioning of the International Seabed Authority. It is important that the Authority, while examining the reports submitted by contractors, continue to elaborate rules, regulations and procedures to ensure effective protection of the marine environment and conservation of the natural resources of the Area. Therefore, we reaffirm the crucial role that

the International Tribunal for the Law of the Sea has played in the process of interpreting and implementing the 1982 Convention and the Agreement on Part XI. Since handing down its first judgement, the Tribunal has considered 11 cases, and we hope for similar substantive achievements in the future.

Great progress has been made by the Commission on the Limits of the Continental Shelf, which has received its first submission regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. However, most developing countries face substantial difficulties in preparing such submissions, primarily because of a lack of the necessary technical, scientific and financial resources. In that connection, my delegation welcomes the provisions of the present draft resolution on oceans and the law of the sea (A/58/L.19), aimed at facilitating the management of the Trust Fund for assistance in the preparation of submissions to the Commission by developing States.

The growing number of cases of piracy and armed robbery continues to be of major concern to the international community. As the report of the Secretary-General clearly indicates, such cruel and unlawful acts not only have negative economic effects on maritime transportation, but also constitute a real threat to the lives of crew members. Active measures on the part of States and international and regional organizations are needed to combat — and, more important, to prevent — such illegal acts at sea and to bring the perpetrators to justice.

In our view, the international community should devote more attention to the issue of preventing terrorist acts at sea. In that regard, universal participation in and due implementation of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and related instruments are of paramount importance. Moreover, my country follows with great interest the ongoing review of the Convention by the International Maritime Organization, aimed at strengthening the means of combating such heinous and unlawful acts.

The General Assembly is in a unique position to gain a holistic perspective on the complex nature of ocean-related matters. In that connection, I should like to underline the importance of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which facilitates the General Assembly's annual review of developments in ocean affairs.

Finally, I should like to express my country's appreciation to the Secretary-General for both the quality and the scope of the reports under this agenda item, which are powerful tools facilitating international cooperation and coordination. The activities of the Division for Ocean Affairs and the Law of the Sea continue to be intense and worthy of our praise.

Mr. Wang Guangya (China) (*spoke in Chinese*): First of all, I should like to thank the Secretary-General for his informative report on oceans and the law of the sea (A/58/65 and Add.1), which provides us with a useful basis for our consideration of the item on our agenda. I also wish to take this opportunity to express our appreciation to you, Mr. President, for your outstanding leadership, and to the Secretariat for the hard work it has done.

In order to meet humanity's need to explore, utilize and protect the oceans, the United Nations Convention on the Law of the Sea and the Agreement relating to the Implementation of Part XI of the Convention contain provisions covering all areas related to ocean affairs. Thus they constitute a basic legal framework for human activities in that regard and serve to establish an order for ocean affairs in the modern era. We are pleased to note that, with ratification and accession on the part of 145 countries, the Convention is gaining in universality. We encourage more countries to join the Convention.

The Chinese delegation is also gratified to see the positive progress achieved in the work of the three international bodies established under the Convention. The International Tribunal for the Law of the Sea has admitted 11 cases since its establishment in 1996, playing a positive role in the peaceful settlement of ocean disputes and in the interpretation and implementation of the Convention.

The Commission on the Limits of the Continental Shelf has completed its preparations to review coastal State submissions on the outer limits of the continental shelf beyond 200 nautical miles, upon which the Commission must subsequently give scientific and technological advisory opinions. It has already completed its first such review: of the Russian Federation's submission.

The International Seabed Authority, having entered into contracts for exploration for polymetallic nodules with seven pioneer investors, is now engaged in developing new regulations for the prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts and has reinforced international marine scientific research relating to the seabed. We favour a greater role for all three bodies in facilitating the implementation of the Convention and maintaining international order in ocean affairs.

The Chinese Government highly values the role of the Convention. In our view, discussions within the United Nations framework on matters related to the Convention are of critical importance. The setting up of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea reflects the international community's general concern for marine environmental protection, integrated management and sustainable utilization of marine resources, the ocean-related capacity-building of developing countries and other issues. The Process has become an important forum where questions concerning oceans and the law of the sea are discussed and coordinated among countries, including States not parties to the Convention. It facilitates the consideration by the General Assembly of the agenda item under discussion and it serves that purpose well. We therefore welcome the decision made by the General Assembly last year to extend the Consultative Process for another three years.

At the fourth meeting of the Process, held last June, in-depth discussions were held on the safety of navigation, protection of vulnerable marine ecosystems, greater international cooperation and coordination of ocean affairs and other questions. Positive results were achieved.

The Chinese Government attaches great importance to the question of safety of navigation. It is our view that the current focus should be on emphasizing the responsibility of flag States in that regard. We suggest that the General Assembly invite the Division for Ocean Affairs and the Law of the Sea, in cooperation and in consultation with the relevant organizations and programmes within the United Nations system, to formulate a list of obligations and responsibilities of flag States and to urge all countries to establish effective control of ships registered under their flags.

With regard to the protection of vulnerable marine ecosystems, we believe it should be done within the framework of UNCLOS and other relevant conventions, with a balanced approach to protection and utilization, and adherence to the existing regimes covering the high seas and the international seabed. We propose that, to fill the vacuum left by the abolition of the Subcommittee on Oceans and Coastal Areas, the General Assembly create an effective, transparent and regular inter-agency cooperation and coordination mechanism within the United Nations system. We also propose that the General Assembly request the Secretary-General to convene an intergovernmental meeting soon to discuss and develop an implementation plan for the proposed mechanism for global reporting and assessment of the state of the marine environment.

The Chinese delegation notes the entry into force in December 2001 of the 1995 Fish Stocks Agreement. While, in our view, that Agreement is conducive to the harmonization of regulations concerning fishing activities on the high seas, the key to its enforcement lies at the regional level. Membership in regional fisheries management mechanisms and participation in the formulation of regional management measures will help eliminate differences among countries at the regional level. At the same time, the difficulties and special needs of developing countries in implementing the Agreement must be fully recognized. It is incumbent upon developed countries to provide developing countries with the necessary assistance and resources, with a view to enhancing their capacity to implement the Agreement and manage their fisheries.

The Chinese delegation notes that there is now extensive concern over large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments. China is a populous developing country, and its demand for fishery products is increasing. Consequently, the Chinese Government attaches great importance to the sustainability of fishery resources. China's basic policy is to promote sustainable development of fisheries through conservation and rational use of water-borne living resources. In that regard, the Chinese Government has taken a series of conservation and management measures that have yielded results, thereby enhancing the conservation of fishery resources in our territorial seas. China supports the

strengthening of fisheries management on a fair and equitable basis, in order to achieve sustainable development of fisheries worldwide.

The twenty-first century will be a century of the ocean. Along with the development of science and technology, progress in marine scientific research, the increase in mankind's need for marine resources and the growth of marine environmental concerns, all countries will give more attention to the use and protection of marine resources and will attach greater importance to the development of the law of the sea and to maintaining and building an international order in ocean affairs. The Chinese Government will spare no effort to honour its international commitments in the spirit of the Convention and to contribute to the implementation of the Convention, the development of the law of the sea and the promotion of peace, justice and progress for all mankind.

Mr. Bliss (Australia): A year ago we celebrated the twentieth anniversary of the adoption of the United Nations Convention on the Law of the Sea. Since then, we have moved closer to realizing the objective of universal adherence to the Convention, and Australia congratulates those who have acceded to it in the past year. We particularly welcome the recent ratification by Canada — a country with which we have worked closely and with which we share many common perspectives on oceans issues.

This year, after the celebrations, it is necessary to return to the hard work of implementation. This is the continuing challenge to which we must all respond: to ensure effective oceans governance through implementation of the Convention and related instruments. As the omnibus draft resolution (A/58/L.19) states, effective implementation of the Convention and related instruments can be achieved only through action at every level — national, regional and global.

At the national level, Australia continues to work within the framework of its oceans policy, designed to improve governance of the vast marine areas under Australia's jurisdiction. Just recently, we finalized the first draft regional marine plan for our south-east region — a plan which brings together conservation and use and signals a new era of governance for one of the largest exclusive economic zones in the world. It will provide the template for sustainable development of all Australia's ocean areas.

Action at the regional level is also crucial. The Permanent Representative of New Zealand, on behalf of the Pacific Islands Forum group, has highlighted some of the significant developments in the Pacific. We fully endorse his statement, and confirm our continued commitment to work through regional mechanisms towards effective regional oceans governance.

There has been considerable action at the global level as well. The adoption last year of the Johannesburg Plan of Implementation at the World Summit on Sustainable Development, with its detailed and forward-looking provisions on oceans, spelled out a comprehensive programme of action. It is now time for States to take that action.

The fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which was held in New York in June, demonstrated the utility of that forum, as well as the wisdom of the General Assembly in deciding, in resolution 57/141, to continue the Process for a further three years. The fact that so many of the recommendations of that meeting are reflected in the two draft resolutions before us demonstrates that it is truly widening and deepening the debate.

The recommendations of the fourth meeting of the Informal Consultative Process on the issue of the safety of navigation and flag-State implementation were a major step forward. As an island State heavily dependent on trade, the vast majority of which is transported by sea, Australia attaches great importance to ensuring the safety of navigation. The current picture is not a good one. Acts of piracy and armed robbery at sea and damage to the marine environment as a result of spills and groundings remain regular occurrences, sometimes with devastating effects. The answer is better implementation of the Convention and related instruments. Action is required of all States, including flag States, coastal States and port States. States cannot continue to treat with disdain provisions of the Convention on effective flag-State enforcement and the need for a genuine link between a vessel and its flag State. The paragraphs in the omnibus draft resolution that deal with the safety of navigation are a good step forward. Particularly important is operative paragraph 27, which urges flag States without the appropriate legal and administrative frameworks to either strengthen their controls or suspend their registers.

The recommendations of the fourth meeting of the Informal Consultative Process on the protection and management of vulnerable marine ecosystems, now reflected in the omnibus draft resolution, are also a step forward. We particularly welcome the focus on marine protected areas, coral reefs and pollution prevention.

Key categories of vulnerable marine ecosystems are those that lie beyond national jurisdictions. A few years ago, we did not know that those ecosystems existed; now, there is strong international agreement that those areas deserve attention and require effective conservation and management. Australia, in hosting an international meeting last June in Cairns on high-seas biodiversity, sought to contribute to, and further, that debate. We are therefore pleased that the omnibus draft resolution calls for international agencies to investigate the threats and risks to those ecosystems, and for the Secretary-General to report to the General Assembly on that issue.

In that context, Australia welcomes the focus of next year's Informal Consultative Process meeting on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdictions.

The establishment of the global marine assessment process is a major step towards improved oceans governance. The assessment will provide us with better information on the state of the world's oceans, and will be an important tool for policy makers at all levels. Australia recognizes Iceland's initiative and drive on that issue, and looks forward to working with Iceland and other States in this cooperative endeavour.

Australia has consistently called for the establishment of an effective inter-agency coordination mechanism that can ensure an integrated approach to oceans governance at the global level. We are therefore pleased that, after a number of years, that objective is in sight. Australia welcomes plans to establish the oceans and coastal areas network. We expect that to bring much-needed coherence to the diverse range of activities undertaken by the United Nations and related organizations in the oceans sphere.

On 27 August this year, Australian authorities, with the assistance of South African authorities, apprehended the *Viarsa*, a Uruguayan-flagged fishing vessel that had been fishing illegally in Australia's exclusive economic zone off the Heard and MacDonald Islands, south-west of the Australian mainland. An Australian fisheries enforcement vessel had chased the *Viarsa* for 20 days. It was the longest hot-pursuit in history, crossing two oceans and Antarctic waters. But Australia was determined to deliver a message, namely, that illegal, unreported and unregulated fishing must be, and will be, stopped. As we have said before in this forum and in many others, that sort of fishing continues to threaten the sustainability of many of the world's fisheries. It is a breach of the Convention. It is a contravention of the rights of other States. All States must cooperate to prevent it.

Australia is particularly pleased at the emphasis that the fisheries draft resolution places on cooperation to combat illegal, unreported and unregulated fishing. For the first time, the draft resolution encourages States to implement vessel-monitoring systems and trade-monitoring schemes to ensure compliance with rules set by regional fisheries management organizations. Those sorts of practical measures to ensure the implementation of legal arrangements are essential to effective fisheries management.

Also essential is widespread accession and adherence to the United Nations Fish Stocks Agreement. The Agreement is the touchstone of international efforts to achieve sustainable fisheries. Australia urges all States to become party to the Agreement as soon as possible and to implement its provisions. In that context, Australia emphasizes the importance of following strictly the language of the Agreement when dealing with management concepts, and regrets that the fisheries draft resolution does not always do so.

In relation to the language on the precautionary approach to the conservation, management and exploitation of fish stocks, Australia would like to note for the record that we see the precautionary approach to managing fisheries, as set out in article 6 and annex II to the Fish Stocks Agreement, as applicable not just to straddling and highly migratory stocks. That approach, which operationalizes principle 15 of the Rio Declaration, is an essential tool for sustainable fisheries everywhere. Many fish stocks have been reduced to a point where a cutback in effort consistent with article 6 and annex II of the Fish Stocks Agreement would actually increase economic yield, demonstrating that appropriate application of a

precautionary approach can deliver both conservation and economic benefits to our societies.

In closing, I wish to express Australia's support for the two draft resolutions that are before the General Assembly under this item. We thank the coordinators — Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States — for their excellent and skilful work. We also thank the Secretariat for its assistance. In that context, we join others in paying tribute to Mrs. Annick De Marffy for her leadership of the Division of Ocean Affairs and the Law of the Sea and the excellent contribution she has made over the years to our work on oceans and the law of the sea. We will miss her.

Australia is pleased to be a sponsor of the se texts.

Mr. Nambiar (India): My delegation welcomes the opportunity to participate in the debate on this item. We thank the Secretary-General for his reports on matters relating to the law of the sea and ocean affairs.

The 1982 United Nations Convention on the Law of the Sea sets out the legal framework within which all activities in the oceans and seas must be carried out. My delegation attaches the highest importance to the strengthening and effective functioning of the institutions established under the Convention. Given the geography of India, with a coastline extending 4,000 miles and with 1,300 islands, we have a traditional and abiding interest in maritime and ocean affairs. The large population in our coastal areas and in the islands has always looked to the sea for sustenance.

We are happy to note that the number of States parties to the Convention has risen to 145, including the European community. Over the years, the Convention has gained greater acceptance, even from non-parties, advancing steadily towards its universal recognition and adhesion. We are happy to inform the General Assembly of India's depositing, on 19 August 2003, its instrument of accession to the 1995 Fish Stocks Agreement. We welcome the announcement of the European community of its intention to deposit its instrument of accession soon.

It is a matter of deep satisfaction that all the subsidiary institutions under the Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have made considerable progress in their respective fields of activity. We are working closely with all those institutions. We have invested heavily in the exploration of minerals in the deep seabed and we continue to incur considerable expenditures for the collection of data as a primary investor, and now as a contractor. The International Seabed Authority is considering the annual reports of contractors, the development of a legal regime for the prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, the role of the Authority in the conservation of biodiversity in the Area, activities relating to marine scientific research and the central data repository of the Authority. The proposal of the Authority to establish a geological model for the nodule province of the Clarion-Clipperton Fracture Zone is a welcome move. However, the need for preparation of similar models for other zones cannot be overemphasized.

We welcome the progress made by the Commission in the last session, especially its decision to include in its recommendations on a claim submitted by a State, an executive summary containing a general description of the extended continental shelf as well as a set of coordinates and illustrative charts, as appropriate, to identify the line describing the outer limits recommended by the Commission. The executive summary would provide useful information on the practical application of the Convention, assist other States in preparing their claims for submissions and would lead to a uniform application and interpretation of the relevant provisions of the Convention.

We believe that capacity-building of developing States to assist them in acquiring knowledge and skills in regard to their preparations and submissions on the outer limits of the continental shelf is vital to the effective implementation of the Convention. States which have expertise in the delineation of outer limits of the continental shelf should extend cooperation in providing assistance to developing States which are in the process of preparing submissions to the Commission.

India has the requisite expertise on the assessment and mapping of the continental shelf, and is willing to extend cooperation in training developing countries for this purpose. We also welcome in this context the efforts of the Division for Ocean Affairs and the Law of the Sea in bringing out a training manual to assist States in developing the requisite knowledge and skills in their preparation of

submissions in respect of the outer limits of the continental shelf.

Since the last report of the Secretary-General on this agenda item, the international community has continued to focus on issues relating to navigation, conservation and management of living marine resources and coastal biodiversity, protection of marine environment and international coordination and cooperation.

In the area of navigation, we would like to express our serious concern with the increase in the incidents of crimes at sea, more particularly the 37 per cent increase in the number of reported incidents of piracy and armed robbery against ships worldwide in the first six months of 2003, compared to the corresponding period in 2002. Rising incidents of piracy and armed robbery at sea have been highlighted in the Secretary-General's report. In this regard, regional cooperation to combat piracy has become important. In the Asia Pacific region, India has been actively involved in the ongoing efforts initiated by Japan to establish a regional cooperation agreement against piracy along with 15 other States of the region.

We believe that prevention and suppression of acts of terrorism against shipping are very important aspects in dealing with crimes at sea. We welcome the decision of the International Maritime Organization to include new offences against security of navigation, in addition to the existing offences already covered under the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol. We also support in principle the inclusion of new interdictory measures which would authorize a State party, other than the flag State, to take enforcement action with respect to a vessel that it has reasonable grounds to suspect is involved in, or the target of, a commission of an offence under the Convention.

It is a matter of grave concern that in less than 50 years, industrial fishing fleets have managed to wipe out nine-tenths of the world's biggest and most economically important species of fish. The efforts that have been taken to improve the conservation and management of the world's fisheries have been confronted by the increase in illegal, unregulated and unreported (IUU) fishing activities on the high seas, in contravention of all measures for conservation and management adopted by regional fishery organizations, and in areas under national jurisdiction, in violation of the sovereign rights of coastal States to conserve and manage their marine living resources.

We believe that effective implementation of the international plan of action of the Food and Agriculture Organization to prevent, deter, and eliminate IUU fishing at the international level would help in reversing the trend in many areas and will guarantee enforcement of the rights of developing coastal States. We fully endorse the approach approved by the World Summit on Sustainable Development which emphasized the need for enabling the developing countries to develop national, regional and subregional capacities for infrastructure and integrated management and the sustainable use of fisheries.

We are also in full agreement that the displacement of fishing fleets from areas under the national jurisdiction of developed Member States to fisheries located in developing countries gives rise to a significant problem that encourages the expansion of IUU fishing, with negative implications for global fisheries. Enhanced cooperation among all concerned States for appropriate enforcement of agreed conservation measures, including cooperation through the regional agency of coastal States, in enforcing compliance against the vessels originating beyond the region would be more effective in eliminating IUU fishing.

The Secretary-General's report on the section dealing with the protection and preservation of the marine environment has been fairly comprehensive. The marine environment today is increasingly degraded by pollution from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils and litter that have negative implications on human health, poverty alleviation, food security and safety. The problem is aggravated further by pollution from vessels and oil spills.

In this context, the fourth session of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea was very useful in deepening the understanding of protection of vulnerable marine ecosystems and the utility of hydrographic surveys and nautical charts facilitating the safety of navigation, life at sea and environmental protection, including vulnerable marine ecosystems.

Yet another area of focus in the Consultative Process was the biodiversity of open oceans beyond

national jurisdiction. The Johannesburg Plan of Implementation, the Subsidiary Body for Scientific and Technical Advice of the Conference of the Parties to the Convention on Biological Diversity, and the Legal and Technical Commission of the International Seabed Authority have also examined this issue to the extent that it falls within their competence. However, we believe that any legal mechanism contemplated to counter the threats to biodiversity beyond national jurisdiction needs to be approached very cautiously so as not to upset the delicate balance of international rights and obligations in areas outside national jurisdiction.

Coordination and cooperation at the international level remain critical prerequisites for effective governance of the world's oceans and seas. Establishment of a regular process under the United Nations for global reporting and assessment of the state of marine environment is most significant in this regard. However, this process has to be built upon existing assessments, avoiding duplication, as the funding requirements for the process could be quite considerable. My delegation looks forward to seeing that process result in a regular and coherent overview of the marine environment, particularly in the areas where there is currently a lack of information.

Mr. Dos Santos (Brazil): My delegation associates itself with the statement by the representative of Peru, on behalf of the Rio Group. We now take the opportunity to make a few additional remarks in our national capacity.

I begin by congratulating the Secretary-General on his annual report on oceans and the law of the sea. The variety and complexity of the issues reflected in the annual report clearly confirm the usefulness of the General Assembly debate on this wide range of interdependent matters. While noticeable progress has been made, much remains to be done. The report plays a crucial role in helping to raise awareness concerning the need for action to reduce the ever-increasing impact of uncontrolled and unsustainable exploitation of the oceans and their resources.

Our fundamental challenge remains the effective implementation and regulation of the international legal framework established under the Convention. Therefore, we consider that any progress in generating an improved legal framework for regulating the use of the oceans would be highly positive and welcomed. In this sense, the entry into force of the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks is a remarkable milestone in the ongoing endeavour to progressively enact a comprehensive constitution of the oceans.

On this particular issue, my delegation would like to congratulate the delegation of Canada upon its ratification of the United Nations Convention on the Law of the Sea, which constitutes a clear signal of the Convention's universal character and an additional effort to step up to the challenge of its effective implementation.

That challenge will require, as we well know, a fuller understanding of the interrelation of the problems concerning oceans and seas, which require a holistic approach. We believe that the Informal Consultative Process has helped focus attention on the need for greater coordination of issues related to the oceans. The output of the Informal Consultative Process meetings has been satisfactory and useful.

However, we have some concerns about the constrictive timeframe set to reach the outcome of the Process, which intends to express an achievable consensus. There should be no doubt that the necessary scientific explanations and the subsequent debate are the principal goals of the Process. This year, once more, the debates during the Informal Consultative Process have focused on crosscutting issues that are crucial for an effective and comprehensive policy related to the oceans and the law of the sea. Brazil is pleased to note the importance accorded to the issue of capacity-building, because together with the transfer of up-to-date technological resources, this is crucial not only to the safety of navigation but also to providing impetus for the indigenous development of marine science and technology.

The Informal Consultative Process continues to highlight the need to activate existing regional and global mechanisms towards fostering international cooperation. Only thus will many countries, especially developing ones, acquire the means to promote the sustainable exploitation of their marine resources. With regard to that particular issue, we have confidence in the establishment of a new coordinating mechanism called for in draft resolution A/58/L.19.

The recommended area for discussion during next year's meeting of the Informal Consultative Process —

the new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction — will definitely contribute to a better approach to the issues related to environmental protection and to the strengthening of cooperation in maritime matters.

With regard to the draft resolutions presented today (A/58/L.18 and L.19), first of all, my delegation congratulates the two coordinators, from New Zealand and the United States of America, on the valuable work they accomplished. My delegation is also pleased that the draft resolutions again cover a wide array of issues that are extremely relevant to ocean affairs, in particular the important work of the International Tribunal for the Law of the Sea on promoting the rule of law. The draft resolutions also recall the need for full implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and emphasize the adoption of a common approach to enforcement, investigation and prevention concerning maritime safety and security and the degradation of the marine environment.

My delegation would like to stress that any measure regarding maritime safety and security or protection of the marine environment must consider the global consequences and must be consistent with the rights and obligations enshrined in the Convention and other related international instruments.

With regard to non-living marine resources of the international seabed, Brazil supports the good work of the International Seabed Authority. We particularly appreciate the work conducted by the Legal and Technical Commission of the Authority in setting up the necessary environmental guidelines for future activities in the field of polymetallic sulphides and cobalt-rich crusts in the Area.

Last year we had the privilege of commemorating the twentieth anniversary of the opening for signature of the Convention. In the company of some of the illustrious founding fathers of the Convention, we were afforded a review of its historic accomplishments and a preview of the many challenges before us as we consider the next 20 years.

Finally, we believe that this year's debate will provide further encouragement for us to continue and improve the necessary work towards the full implementation of the Convention so as to safeguard the oceans and the bounty they represent for mankind.

Mr. Kanu (Sierra Leone): Sierra Leone wishes at the outset to associate itself with the statement made this morning by the representative of Morocco on behalf of the Group of 77 and China. At the same time, we wish to commend the coordinators of draft resolutions A/58/L.18 and A/58/L.19, the representatives of New Zealand and the United States, for a job well done. I will now make a few remarks from the national perspective of Sierra Leone.

The adoption of the Convention on the Law of the Sea on 10 December 1982 was a significant development in the care and management of the oceans and seas. As an ocean and marine State, Sierra Leone has a global commitment to the sustainable use and development of the oceans and their varied resources. Sierra Leone's history, trade and economic development are inextricably linked with the sea. Our export and import activities are conducted mainly through ships. A substantial number of our nationals are engaged in activities connected with the sea, including activities such as fishing, shipping, tourism, agriculture and, more recently, oil exploration and development.

Over the years, Sierra Leone has participated actively in the General Assembly's annual consideration of matters relating to oceans and the law of the sea. Our sponsorship of the two draft resolutions, on oceans and the law of the sea, and on fisheries, is a concrete expression of the importance we attach to issues of oceans and the law of the sea.

The International Seabed Authority, created under part XI of the Convention, was mandated to organize and control the exploration and exploitation of the non-living resources of the seabed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction. In that regard, we welcome the progress achieved thus far during the ninth session of the Authority and also the achievements of the Legal and Technical Commission.

Notwithstanding what has been achieved thus far, there is still much work to be done by the Authority, especially as developing States, and in particular the least developed countries, small island developing States and the coastal African States, do not appear to have had substantial benefits from the concepts of exclusive economic zones and the common heritage of

mankind. In my delegation's view, it seems that traditional concepts of managing and sharing global economic resources continue to prevail. The exclusive economic zone concept has not led to any fundamental redistribution of the ocean's resources.

There is a great need for States parties to the Convention, especially those from developing countries and small island developing States, as well as coastal African States, to attend and participate in the meetings of the International Seabed Authority to ensure that their views are articulated and reflected in its work. The lack of participation by many States in the work of the Authority is due mainly to the financial constraints faced by those States. Perhaps developed States can assist in that regard, facilitating the participation of the least developed States in the work of the Authority by providing limited financial assistance. Such help would guarantee effective developing-country participation and thus ensure equal distribution of the benefits of the common heritage of mankind.

Developing countries — in particular, least developed countries, small island developing States and coastal African States — have not been able to fully comply with the implementation of the provisions of the Convention both at the national and international levels. We welcome the establishment of trust funds for the purpose of, first, providing assistance to States parties in meeting their obligations under article 76 of the Convention, and, secondly, providing training to countries — in particular the least developed among them and the small island developing States — to enable them to prepare their submissions to the Commission on the Limits of the Continental Shelf. In that regard, my delegation would like to reiterate its thanks to the Government of Norway — to single out just one country — for taking the lead in the provision of technical and financial assistance to developing countries. In addition, we welcome the assistance made available to States parties by the Commission on the Limits of the Continental Shelf for the preparation of submissions in respect of the outer limits of the continental shelf. We profoundly thank the Commission for organizing training courses for States parties, especially those from developing countries.

The Secretary-General's report on oceans and the law of the sea (A/58/65) notes that the United Nations Convention on the Law of the Sea balances the right of flag States to exercise their rights of navigation with their duty to ensure that any ships flying their flag are safe for navigation. In that regard, article 94 of the Convention sets out several measures which flag States are required to take in order to ensure safety at sea.

Noting that the United Nations specialized agency with the recognized mandate in this area is the International Maritime Organization (IMO), Sierra Leone welcomes the June 2003 amendments to the 1988 Protocol to the International Convention on Load Lines, adopted by IMO's Maritime Safety Committee (MSC) at its seventy-seventh session (resolution MSC.143(77)). Those amendments provide for significant changes in the structural requirements for the safety of ships, in particular bulk carriers. The amendments are expected to enter into force on 1 January 2005.

Another welcome development is the proposal by 15 member States of the European Union and the European Commission to amend annex 1 of the International Convention for the Prevention of Pollution from Ships,1973, as modified by the Protocol of 1978 relating thereto, to further accelerate the phasing out of single-hull tankers. The proposals were submitted at the forty-ninth session of the IMO Marine Environment Protection Committee in July this year. The proposals also include measures relating to the age of tankers that carry heavy grades of oil. The proposals, if adopted, will go a long way to protect the marine environment. My delegation hopes that the proposals will be matched by effective monitoring measures to punish those that transgress them.

Sierra Leone is seriously concerned about the widespread use of flags of convenience. It is well known that shipowners use flags of convenience that have no genuine link to either the ship or the flag State apart from the payment of money. It is therefore not surprising that many flag States refuse to comply with either their obligations under the Convention or the measures developed by the International Maritime Organization.

The delegation of Sierra Leone therefore welcomes and joins the call of many States that flag States should have an effective maritime administration built on a firm legislative framework that is in compliance with accepted international regulations, procedures and practices. That appeal needs to be understood, however, within the context of the varying capacities of flag States. In that regard, the enhancement of the capacity of developing countries,

in particular, least developed countries and small island developing States, as well as coastal African States, is essential to enable them to meet their international obligations. Many developing countries experience untold damage to their territorial seas and waters by heavy tankers carrying high-grade oil, but do not have the monitoring capacity and capability to identify those tankers and take appropriate action. There is, therefore, a need for an effective regional and subregional regulatory mechanism to protect our territorial seas and waters, as well as a great need to provide officials from developing countries who are involved in marine activities with the requisite training to enhance their expertise.

Another problem that many developing countries have to grapple with is that of nautical charts. My country, Sierra Leone, still relies on the British Admiralty charts produced during colonial times. Those charts are no longer useful in the twenty-first century, given modern developments in marine and navigational matters. At present, Sierra Leone is not in a position to update those charts or even to think of converting to electronic nautical charts. In that regard, we would welcome any assistance from the developed world towards the elaboration of an efficient and effective marine administration.

A problem that has particularly captured the attention of the Government of Sierra Leone is the human rights of Sierra Leonean seafarers. On many occasions we have been made aware of gross violations of the human rights of our nationals. A substantial number of them work in ships that carry flags of convenience. Human Rights Watch has expressed its concern on that important issue, and there has even been a study by the International Labour Organization (ILO) on the topic. The ILO study found that respect for the rights of seafarers varies widely among ships registered in different countries and that non-resident seafarers are discriminated against. It seems neither the flag States nor the shipowners are able to protect their workers. In fact, on many occasions shipowners have been accused by their workers of involvement in the violation of their rights. My delegation is cognizant of the protection provided for in the Convention, but as that protection appears to be ineffective we suggest that the States of which those seafarers are nationals should be empowered to afford them protection.

There is one issue I want all of us to reflect on when talking about marine safety. That is the issue of transnational organized crime as it relates to small arms and light weapons. In our region, and in particular the subregion of West Africa, ships have been used to transport arms in gross violation of existing legal regimes, including United Nations arms embargoes. Needless to say, such arms transfers contribute to fuelling conflicts and facilitate gross human rights abuses and violations of international humanitarian law. We would therefore welcome effective international action to curb that illegal trade.

I would like to say a few words now on the protection of vulnerable marine ecosystems, a matter of importance to my delegation. Sierra Leone is a country that is rich in marine resources and, as I mentioned earlier, a substantial number of our nationals depend on marine resources for their sustenance. The delegation of Sierra Leone understands the problems associated with the protection of vulnerable marine ecosystems. In order to give practical expression to our concerns, we join the call on all States to advance the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and the related Montreal Declaration.

Let me turn to an area of particular concern to Sierra Leone: fisheries. Illegal, unreported and unregulated fishing continues to represent a serious threat to Sierra Leone's marine ecosystem. Our territorial waters and seas have been invaded by boats and ships engaged in illegal fishing. The problem continues unabated because we lack the capacity to monitor and patrol our waters. We would therefore welcome concerted international action to address and eliminate that illegal practice. We also call on all States to enhance their cooperation, globally and regionally, aimed at resolving this problem.

At this juncture, Mr. President, we wish to thank, through you, the Division for Ocean Affairs and the Law of the Sea — particularly under the leadership of Mrs. Annick de Marffy — for the wonderful work they do in coordinating and disseminating information in this area of our work. The dedication and commitment of the Division are commendable. The Sierra Leone delegation will surely miss Mrs. De Marffy.

In conclusion, my delegation welcomes the continued development of the jurisprudence of the International Tribunal for the Law of the Sea. We recognize the fundamental role that the Tribunal is playing in settling disputes regarding the interpretation

and implementation of the Convention. Sierra Leone will continue to support the Tribunal in all aspects of its work.

Mr. Hoffmann (South Africa): The South African delegation fully associates itself with the statement made earlier by the representative of Morocco, speaking on behalf of the Group of 77 and China.

The South African delegation has the honour to co-sponsor both draft resolution A/58/L.19, on oceans and the law of the sea, and draft resolution A/58/L.18, on sustainable fisheries and the United Nations Fish Stocks Agreement. We should like to thank Elana Geddis, of New Zealand, and Colin McIff, of the United States, for respectively coordinating the negotiations on the two resolutions, and we commend them for the skilful way in which they have conducted the consultations.

We also acknowledge the Division for Ocean Affairs and the Law of the Sea for its dedicated work and support throughout the year, and we express our best wishes to its Director, Mrs. Annick de Marffy, on her retirement next year; she will be greatly missed. We note with satisfaction that the United Nations Convention on the Law of the Sea has almost achieved the goal of universal participation, and we join others in welcoming the most recent ratifications of Canada and Lithuania, which will soon bring to 145 the total number of States Parties to the Convention.

The South African delegation welcomes the comprehensive reports of the Secretary-General on developments and issues relating to oceans and the law of the sea, contained in documents A/58/65 and Add.1 and A/58/423, as well as his report on the status of the implementation of the Fish Stocks Agreement, contained in document A/58/215. We also welcome the report of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its fourth meeting, contained in document A/58/95, and we commend its Co-Chairmen, Ambassador Felipe Paolillo and Mr. Philip Burgess, for their leadership. We further welcome the progress in the work of the three institutions established under the Convention: the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

We note the progress that the International Seabed Authority has made with respect to developing a legal regime for prospecting and exploration of polymetallic sulphides and cobalt-rich crusts, and that the Legal and Technical Commission will continue work on the draft regulations at its next session. At the same time, we welcome the steps the Authority has taken to develop a better understanding of the biodiversity of the seabed and deep ocean so as to be able to take effective measures aimed at protecting the marine environment against harmful effects from activities relating to prospecting and exploration of mineral resources in the Area. Also in that context, we welcome the topic for next year's meeting of the Informal Consultative Process, to be "New sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction".

We appreciate the important role of the Tribunal in the settlement of disputes concerning the law of the sea, and it is encouraging to learn that more States are electing to refer cases to the Tribunal. We note, however, the remark made recently by its President, Judge L. Dolliver Nelson, that the Tribunal has not been put to full use. We also congratulate Judge Anthony Amos Lucky, of Trinidad and Tobago, on his election to the Tribunal during a special meeting of States Parties on 2 September 2003, following the death of Judge Lennox Fitzroy Ballah earlier this year.

It is also encouraging to note that more States are getting ready to make submissions to the Commission on the Limits of the Continental Shelf regarding the establishment of the outer limits of the continental shelf beyond 200 nautical miles. South Africa itself is in the process of carrying out the preparatory work needed to enable it to prepare a submission to the Commission.

It should be emphasized that assistance to members from developing countries that have been elected to the Commission on the Limits of the Continental Shelf, to the Legal and Technical Commission and to the Finance Committee of the Authority will be necessary to ensure that those bodies discharge their functions in a timely and efficient manner. We welcome the initiatives that have been taken in that regard.

Capacity-building and the transfer of technology to developing countries are fundamental in the achievement of full implementation of the Convention. The need to assist developing countries with adequate

resources to establish national and regional programmes and structures and to develop skills to ensure their effective implementation is crucial in maintaining and strengthening the regime of the oceans. We are particularly pleased with the capacity-building provisions in the oceans and fisheries draft resolutions before us, which we consider to be essential in addressing the many challenges and imbalances facing developing countries — including coastal African States — in order to benefit from sustainable development of the oceans and seas.

As a coastal State with significant fishing interests, South Africa attaches special importance to international cooperation on fisheries. As a sign of our commitment to that work, we ratified the Agreement on Straddling and Highly Migratory Fish Stocks on 14 August this year. We recognize the Agreement as an important mechanism for the protection of fish stocks for food security and economic development. That is also in line with the outcome of the World Summit on Sustainable Development, which identified oceans, islands and coastal areas as forming an integrated and essential component of the Earth's ecosystem and as being critical for global food security and economic development, especially in developing countries. South Africa will therefore play its part to contribute to the fulfilment of the Agreement's objectives.

During the World Summit on Sustainable Development, the international community also undertook other far-reaching agreements on sustainable fisheries and adopted targets, including one on the restoration of depleted fish stocks by no later than 2015. We consider those undertakings to be critical in view of the current state of the world's fisheries, which is characterized by, among other things, overcapacity and depletion of populations of some fish species. We urge the international community to take urgent and practical steps to meet the goals agreed to in Johannesburg last year.

The use of subsidies in some countries has contributed to overcapacity, overfishing and the depletion of fish stocks in many parts of the world. Subsidies have also contributed to the persistent incidence of illegal, unreported and unregulated fishing. Those issues are of great concern to South Africa as a developing coastal State. We are therefore committed to working with other countries — including through the World Trade Organization — to resolve the issue of fishing subsidies. Its resolution is also essential for the success of the development dimension of the multilateral trading system. We urge the States that use subsidies to take urgent steps to eliminate them, especially in view of the glaring evidence of their perverse nature. South Africa fully supports the International Plan of Action of the Food and Agriculture Organization of the United Nations to prevent, deter and eliminate illegal, unreported and unregulated fishing, and we welcome the ongoing work to promote port State control.

The world's oceans and the resources they contain are part of the system of global commons from which all countries should benefit. Fisheries resources should be seen as important for poverty eradication and the achievement of the Millennium Development Goals. In that regard, South Africa calls for fairness and equity in the allocation of the share of fisheries resources for straddling and highly migratory fish stocks. Failure to address that matter denies developing countries important resources for development.

Since the inception of the Open-ended Informal Consultative Process, South Africa has been supporting its work to improve international coordination and cooperation in order to facilitate the annual review by the General Assembly of developments concerning oceans and the law of the sea. We fully endorse this year's report, and we are pleased that important aspects of it are now reflected as action-oriented elements of the oceans draft resolution before us today.

We noted with interest the discussions regarding a new mechanism for inter-agency cooperation on oceans and the law of the sea within the United Nations system. With so many United Nations agencies and intergovernmental organizations addressing oceans issues, we share the view that a new mechanism should provide an opportunity for constructive dialogue rather than a forum for protecting mandates.

Finally, South Africa supports the request that the Secretary-General take steps to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, by 2004. We pledge our full support for that important initiative, and we wish to thank the Government of Iceland for offering to host the intergovernmental meeting later next year.

Mr. Percaya (Indonesia): At the outset, let me express my appreciation to the Secretary-General for his comprehensive report on matters relating to

resources to establish national and regional programmes and structures and to develop skills to ensure their effective implementation is crucial in maintaining and strengthening the regime of the oceans. We are particularly pleased with the capacity-building provisions in the oceans and fisheries draft resolutions before us, which we consider to be essential in addressing the many challenges and imbalances facing developing countries — including coastal African States — in order to benefit from sustainable development of the oceans and seas.

As a coastal State with significant fishing interests, South Africa attaches special importance to international cooperation on fisheries. As a sign of our commitment to that work, we ratified the Agreement on Straddling and Highly Migratory Fish Stocks on 14 August this year. We recognize the Agreement as an important mechanism for the protection of fish stocks for food security and economic development. That is also in line with the outcome of the World Summit on Sustainable Development, which identified oceans, islands and coastal areas as forming an integrated and essential component of the Earth's ecosystem and as being critical for global food security and economic development, especially in developing countries. South Africa will therefore play its part to contribute to the fulfilment of the Agreement's objectives.

During the World Summit on Sustainable Development, the international community also undertook other far-reaching agreements on sustainable fisheries and adopted targets, including one on the restoration of depleted fish stocks by no later than 2015. We consider those undertakings to be critical in view of the current state of the world's fisheries, which is characterized by, among other things, overcapacity and depletion of populations of some fish species. We urge the international community to take urgent and practical steps to meet the goals agreed to in Johannesburg last year.

The use of subsidies in some countries has contributed to overcapacity, overfishing and the depletion of fish stocks in many parts of the world. Subsidies have also contributed to the persistent incidence of illegal, unreported and unregulated fishing. Those issues are of great concern to South Africa as a developing coastal State. We are therefore committed to working with other countries — including through the World Trade Organization — to resolve the issue of fishing subsidies. Its resolution is also essential for the success of the development dimension of the multilateral trading system. We urge the States that use subsidies to take urgent steps to eliminate them, especially in view of the glaring evidence of their perverse nature. South Africa fully supports the International Plan of Action of the Food and Agriculture Organization of the United Nations to prevent, deter and eliminate illegal, unreported and unregulated fishing, and we welcome the ongoing work to promote port State control.

The world's oceans and the resources they contain are part of the system of global commons from which all countries should benefit. Fisheries resources should be seen as important for poverty eradication and the achievement of the Millennium Development Goals. In that regard, South Africa calls for fairness and equity in the allocation of the share of fisheries resources for straddling and highly migratory fish stocks. Failure to address that matter denies developing countries important resources for development.

Since the inception of the Open-ended Informal Consultative Process, South Africa has been supporting its work to improve international coordination and cooperation in order to facilitate the annual review by the General Assembly of developments concerning oceans and the law of the sea. We fully endorse this year's report, and we are pleased that important aspects of it are now reflected as action-oriented elements of the oceans draft resolution before us today.

We noted with interest the discussions regarding a new mechanism for inter-agency cooperation on oceans and the law of the sea within the United Nations system. With so many United Nations agencies and intergovernmental organizations addressing oceans issues, we share the view that a new mechanism should provide an opportunity for constructive dialogue rather than a forum for protecting mandates.

Finally, South Africa supports the request that the Secretary-General take steps to establish a regular process under the United Nations for global reporting and assessment of the state of the marine environment, including socio-economic aspects, by 2004. We pledge our full support for that important initiative, and we wish to thank the Government of Iceland for offering to host the intergovernmental meeting later next year.

Mr. Percaya (Indonesia): At the outset, let me express my appreciation to the Secretary-General for his comprehensive report on matters relating to

processes dealing with issues related to oceans and the law of the sea.

Finally, fully aware of the importance of continued efforts on the subject of oceans and the law of the sea, my delegation has the distinct pleasure of being a sponsor of the draft resolution before us, contained in document A/56/L.19. We hope that all Member States will lend their support to the draft resolution.

Mr. Leslie (Belize): Belize fully subscribes to the joint statement made earlier by the representative of Jamaica, speaking on behalf of the Caribbean Community. We also associate ourselves with the statements delivered by Mauritius on behalf of the Alliance of Small Island States and by Morocco on behalf of the Group of 77 and China.

Recognizing that the "problems of ocean space are closely interrelated and need to be considered as a whole", the United Nations Convention on the Law of the Sea (UNCLOS) advocates an integrated management approach to ocean space and to this end provides a comprehensive framework — legal and institutional — covering all marine resources and uses of the seas.

As the state of the world's oceans and seas seems to evidence, however, our actions or inaction have belied the existence of the legal regime of the oceans that has evolved with UNCLOS. While the reasons for the lack of implementation and enforcement are varied, my delegation is of the view that the gap between policy-making and action is a contributing factor. In some cases, this is further compounded by the lack of capacity to participate in the policy-making process or take necessary actions.

My delegation takes this opportunity to briefly highlight three issues that Belize considers critical to narrowing the gap, namely: the establishment of an inter-agency coordination mechanism, development of a regular process for global reporting and assessment of the state of the marine environment (GMA), and capacity-building.

The World Summit on Sustainable Development (WSSD) emphasized that effective coordination and cooperation between relevant bodies and actions at all levels are fundamental elements of the sustainable development formula for the oceans. These elements underpin the integrated approach to the management of the oceans envisioned in UNCLOS. The WSSD and the General Assembly have recognized the need to institutionalize the coordination of activities of relevant international organizations, as well as the need to develop new mechanisms to ensure more integrated and comprehensive coordination.

Belize therefore endorses the General Assembly's request for the establishment of an effective, transparent, accountable and regular inter-agency coordinating mechanism for issues relating to oceans and seas within the United Nations system. In this regard, we note the decision of the High Level Committee on Programmes of the United Nations System Chief Executives Board for Coordination to create an open-ended network for the purpose of reviewing joint and overlapping ongoing activities, supporting related deliberations of the international consultative process, and pursing important time-bound initiatives. We look forward to learning of the network's terms of reference and its work programme, as soon as they are completed.

Like the institutionalization of an inter-agency coordinating mechanism, my delegation views the development of a regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects, as a useful mechanism for achieving more integrated and comprehensive coordination. Governing Council decision 21/13 of the United Nations Environment Programme recognized

> "'ineffective communication between scientists and government policy makers and the public alike' as one of the reasons for the lack of commitment and the inability of the international community to address and solve the environmental problems of the seas in a comprehensive way."

We welcome the Secretary-General's report contained in document A/58/423 and the approach set forth in the omnibus resolution for the preparation of the global marine assessment (GMA). Important issues with respect to the assessment's structure, model and institutional arrangements are yet to be resolved. In this context, my delegation welcomes the Secretary-General's evaluation of those issues, which should serve as a guide in the development of the GMA. We also underscore the importance of capacity-building as an essential aspect of the assessment.

While we are convinced that those new coordinating mechanisms will contribute to narrowing the gap between policy-making and action, Belize is concerned that the impact at the national level will be limited as a result of limited capacity. The strengthening of the institutional order of the oceans and seas should redound to the strengthening of the national capacity for implementation and enforcement of UNCLOS, its implementing agreements and other relevant instruments. Capacity-building is a theme that should be central to our deliberations on the oceans and law of the sea.

The coastal zone of Belize is a complex system consisting of barrier reefs, three offshore atolls, hundreds of patch reefs, extensive seagrass beds, mangrove forests and over a thousand islands or "keys". This area is home to several endangered species, such as the West Indian manatee, the American crocodile, marine turtles and several birds. It is a very dynamic region, where land and sea meet, resulting in highly productive natural processes. Most of the development pressures are occurring along the coasts and seas, which has resulted in degraded coastal resources and lost critical habitat.

Belize needs to protect its tremendous marine biodiversity but at the same time allow for use of those resources. Two of our major industries, tourism and fishing, are directly dependent on the health of this coastal system. Belize implements an integrated, holistic approach to the management of our coastal resources through our Coastal Zone Management Authority and Institute. Belize boasts 13 marine protected areas (MPAs), of which eight are marine reserves, two are natural monuments, one is a national park and two are wildlife sanctuaries. Most of those areas have been actively managed over the past three to five years. The management of the marine protected areas is subject to review for effectiveness and improvement. Recently the Coastal Zone Management Authority and Institute, along with the World Wildlife Fund and the National Oceanic and Atmospheric Administration, hosted a two-day workshop on the evaluation of MPA management effectiveness. This is why I say that Belize is committed to the sustainable development of its marine environment and of the oceans and the seas as a whole. This commitment emanates, not only from Belize's maritime assets and the economic dependency of many of its peoples thereupon, but also from its vital interest in the proper development and administration of marine areas.

Belize actively promotes the implementation of the Convention, including through regional initiatives for the Caribbean community such as the recent Conference on Maritime Delimitation in the Caribbean. Our municipal legislation continues to be developed, its repertoire having recently expanded with the adoption of the High Seas Fishing Act. Strengthening maritime administration is also of utmost importance. We hope that our commitment and proactive efforts will be matched by the international community's continued guidance, cooperation and support.

Mr. Bocalandro (Argentina) (*spoke in Spanish*): My delegation wishes to associate itself with the statement made this morning by the delegate of Peru on behalf of the Rio Group. In that statement, reference was made to most aspects of this topic, and my statement will therefore be limited to two essential comments.

For many years, the major international organizations with competence in various aspects of maritime affairs, such as fishing, oceanography, safety of navigation and marine pollution, pursued their tasks independently. There were mechanisms for inter-Secretariat coordination that played an important role, but there was no coordinating forum for all of that international work, which was being pursued in an independent and compartmentalized fashion. When the Convention on the Law of the Sea was adopted, rules that had heretofore regulated the oceans were unified into a single code. This substantial unifying process in the normative area brought to light the problem of coordination in other oceanic subject areas and activities.

In recent decades our conceptualization of sustainable development led the United Nations to become involved with a new vision in maritime and ocean activities. The trend took on a new form during the past five years, ever since General Assembly resolution 54/33 created the Open-ended Informal Consultative Process on ocean affairs. That mechanism, although informal, constituted a real turning point in United Nations activities regarding ocean affairs. Its creation highlighted the role that the General Assembly would take on henceforth.

Although it was originally conceived as a simple, informal mechanism to help systematize discussion on

the reports of the Secretary-General, the Consultative Process quickly became an international forum of singular potential. Owing particularly to its informal nature — something rather rare in intergovernmental relations — the mechanism enjoys an unusual degree of freedom to broadly consider what is done at other international levels, bring together opinions of all actors — governmental or private — and put forward a wide range of recommendations on all aspects of ocean affairs.

Those recommendations, although they emanate from an informal, unofficial forum, are ultimately adopted by resolutions of the General Assembly, which proves that they are both important and carefully crafted. The impact of the Open-ended Informal Consultative Process means that the annual resolutions on ocean affairs and fisheries now constitute a regulatory programme that is detailed and extensive and which has important repercussions for all agencies of the United Nations system and beyond.

The Open-ended Informal Consultative Process on Oceans and the Law of the Sea has already held four sessions and is preparing to hold a fifth, which this year will take place in parallel with consideration of the global marine assessment project. We want to pay tribute, in particular, to the excellent work done by the co-Chairmen, Messrs. Felipe Paolillo and Phil Burgess. In recognizing and welcoming the exceptional progress that the international community has achieved by means of that innovative mechanism, we note that the Informal Consultative Process has always acted within the existing legal framework and that has been key to its success.

The United Nations Convention on the Law of the Sea, universally recognized as the source of the legal norms that regulate all maritime activities, is, itself, a supreme law. The Convention was the result of a package-deal, the delicate negotiation of which took a decade. The various forums for ocean affairs should therefore take care in implementing it to preserve its integrity and avoid reconsideration of its various parts.

Any analysis of the implementation of the Convention falls exclusively to its parties, which have an appropriate organ dedicated to that purpose — the Assembly of States Parties. If the States parties should ever consider it necessary to engage in some kind of review of the Convention's implementation, the Assembly of States Parties would be the optimal and natural forum in which to do so. The United Nations General Assembly should keep that in mind.

The draft resolutions on oceans, law of the sea and fisheries request the Secretariat to undertake the task of studying and preparing various reports concerning important aspects of ocean affairs. We note that those types of requests are becoming increasingly frequent, more important and more numerous.

In the preparation of such reports, we sometimes find it necessary to analyse a State's conduct. In those cases, we consider the appropriate thing to do is to consult the State in question. The report should reflect the result of those consultations.

If the analysis takes into consideration a State's internal legislation, it should be noted that the only interpreter of that legislation is the State that enacted it. We should not express a value judgement without, first, consulting that State. If, on the other hand, the analysis were to refer to the application of international treaties, in keeping with the rules of international law, the interpreters would be the States Parties. The consideration of the Secretariat in those cases should be in keeping with that premise.

Finally, we wish to pay tribute to the work done by the Division for Ocean Affairs and Law of the Sea. That office is charged with a large number of tasks of great importance, which it carries out in an exemplary fashion, despite a lack of both budgetary and human resources. Nevertheless, its work obtains results of the highest calibre, which reflects the hard work and great capability of its staff. The support given by the Division to Member States has always been irreproachable. In its Director, Mrs. Annick De Marffy, we have found a friend always ready to guide us with loyalty, frankness and wisdom. We give her our warm wishes for success, and sincerely thank her for her unwavering support.

Finally, we wish to express our appreciation to Elana Geddis of New Zealand and Colin McIff of the United States for guiding us so ably through the negotiations on the draft resolutions that we will be adopting soon.

Mr. Lobach (Russian Federation) (*spoke in Russian*): Given their ever-growing importance to the international community, the Russian Federation has traditionally given priority attention to consideration of maritime issues in the General Assembly.

I would like to express our appreciation to the Secretary-General for preparing comprehensive reports on this issue that are before us at the present session of the General Assembly.

The Russian Federation is a steadfast advocate of the universal consolidation of international legal bases for all of the multifaceted activities carried out in the world's oceans, and views the 1982 United Nations Convention on the Law of the Sea as the fundamental treaty in that area. That unique international legal instrument has already made an invaluable contribution to strengthening the enforcement of laws and expanding international cooperation in maritime affairs. We are confident that those countries that have not yet done so will accede to the Convention in the near future with the aim of ensuring its universality, and thus enable it to attain its full potential.

Ever increasing importance in regulating inter-State relations is given to international judicial institutions. In that regard, I would like to note the useful work of the International Tribunal for the Law of the Sea, which has been actively involved in resolving inter-State disputes and thus contributing to the affirmation of the rule of law in maritime affairs.

A promising area of international cooperation is the work begun in the Commission on the Limits of the Continental Shelf. Russia was the first to submit its claim to that Commission defining the outer limits of its continental shelf beyond the 200-mile nautical limit. Currently, our joint work with the Commission is ongoing and Russia hopes that it will be promptly concluded.

Problems caused by pollution of the marine environment, despite all the efforts already made, are unfortunately still far from being resolved. Russia has consistently advocated increasing coordinated measures in this area. At the same time, those measures should not go beyond the framework of the requirements set out in the Convention, or infringe upon the principle of the freedom of navigation on the high seas. It is on exactly that basis, in our view, that further discussion needs to be held to designate individual marine areas as areas of particular vulnerability, a discussion that has been initiated and is currently under way in the International Maritime Organization.

A substantive contribution to developing and expanding international cooperation in maritime affairs is made by the Informal Consultative Process on ocean affairs and the law of the sea. Time has demonstrated that this forum has been able to find its place among the variety of multilateral institutions overseeing issues of cooperation in maritime affairs. As an open-ended brainstorming forum, the Informal Consultative Process helps to get more promptly to the heart of existing problems and find the best ways to resolve them. It is capable of proposing promising areas for developing international cooperation in maritime affairs.

It is my pleasure to note that the activities of the Informal Consultative Process are not leading to undesired competition between the various international maritime bodies, the overlapping of their work or encroachment upon one another's area of expertise. One important and promising area for multilateral efforts in 2004, as we see it, should be the establishment of a regular process on global maritime assessment. In that regard, we believe that the Secretary-General's report on this issue deserves positive assessment. It not only enables us once more to ascertain the seriousness of those challenges facing humankind in this area but also contains specific proposals to organize the launching of this global process aimed at seeking holistic solutions to existing problems. I reaffirm that the Russian Federation intends to be most actively involved in this effort.

We believe that combining at the session of the General Assembly the issues of fisheries, maintaining fish stocks and enhancing commensurate monitoring measures under the single theme of sustainable fisheries will serve to demonstrate the considerable progress that has been made in recent years in developing international cooperation in the area of fisheries. A central role is played by the work pursued by the States parties to the 1995 Agreement on Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. There have also been important contributions from the Food and Agriculture Organization, regional agreements in the area of fisheries and other universal and regional structures. Joint comprehensive efforts undertaken give us hope that ultimately we will be able to end the negative trend of the depletion of the oceans' fish stocks.

In conclusion, let me express support for the adoption of the draft resolutions on maritime and fisheries issues at the fifty-eighth session of the

General Assembly. Preparation on them has involved the active participation of the Russian delegation.

Mr. Nguyen Duy Chien (Viet Nam): At the outset, our delegation would like to thank the Secretary-General for his relevant, informative reports under agenda item 52 (a) and (b), which provide us an overview of the developments in the implementation of the 1982 United Nations Convention on the Law of the Sea, as well as other issues relating to ocean affairs and the law of the sea since the fifty-seventh session of the General Assembly.

Over the last period, a number of important activities relating to oceans and law of the sea issues have taken place both within and outside the United Nations forum. Three important institutions established under the Convention — namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — have continued their activities in a successful manner. Although their general mandates as clearly stipulated in the relevant provisions of the Convention remain unchanged, for the time being the tasks that the three bodies are undertaking to perform are of a more specific nature. We therefore appreciate the efforts undertaken by the three bodies and commend the achievements they have recorded at recent meetings. The fourth meeting of the Open-ended Informal Consultative Process on oceans and the law of the sea has proved to be a fruitful one. We support the meeting's recommendations relating to the protection of vulnerable marine ecosystems and the safety of navigation. Other competent international organizations have also taken necessary steps in consolidating relevant rules and regulations to address existing problems.

As shown in the relevant paragraphs of the reports, there still exist in the field of ocean activities certain specific issues that need continued and concerted actions of the international community at the global, regional and national levels. However, not all States are in the same position to adequately address those problems and issues. Therefore, greater assistance should be given to developing countries to ensure that they can gain access to information and technology and are able to share experiences in the use and exploitation of oceans and seas.

As a party to the Law of the Sea Convention and other international entities relating to the ocean and sea matters, Viet Nam took part in the work of the thirteenth Meeting of States Parties to the Convention, the ninth session of the International Seabed Authority, as well as the fourth meeting of the Informal Consultative Process. Viet Nam also actively participated in other activities, such as the Diplomatic Conference on Maritime Safety, in December 2002, the Statement of the Association of Southeast Asian Nations Regional Forum on Cooperation against Piracy and Other Threats to Maritime Security, in June 2003, and the ongoing negotiation of an operational cooperation agreement on anti-piracy in Asia, as well as other meetings in the framework of the Association of Southeast Asian Nations (ASEAN).

In our region, the signing of the Declaration on the Conduct of Parties in the South China Sea — the Eastern Sea — marked an important step towards building a code of conduct in the South China Sea and a valuable contribution to peace and stability in the region. The joint communiqué of the thirty-sixth ASEAN Ministerial Meeting, in June 2003, stressed the need for observance of the provisions of the Declaration and urged concerned parties to undertake the confidence-building measures contained in the Declaration. In that spirit, the ASEAN members encourage the continuation of the informal workshops on managing potential conflict in the South China Sea.

Mr. Paolillo (Uruguay) (*spoke in Spanish*): Uruguay associates itself the statements made by the representatives of Peru and Morocco, on behalf the Rio Group and the Group of 77 and China, respectively, of which groups Uruguay is a member.

In the report of the Secretary-General on a regular process for the global reporting and assessment of the state of the marine environment, contained in document A/58/423, we can observe that the state of the oceans and seas of the world continues to deteriorate. It is discouraging to learn every year when the Assembly begins its debate on oceans and the law of the sea that the health of the oceans, which for so long has shown so many disturbing symptoms, continues to worsen. This is happening despite the persistent calls for alert issued by the competent international organizations in this field and the authorities of the scientific world.

Indeed, it is not for lack of warnings that this trend has continued. For years, the international community has been informed, especially thanks to the reports presented by the Division for Ocean Affairs and

the Law of the Sea, about the grave dangers that threaten our oceans and seas and the dire consequences that may have an impact upon what constitutes a gigantic source of food, mineral resources and energy.

Neither is there any lack of regulation leading to this situation. Numerous international instruments are in force, both binding and non-binding, containing the rules which prescribe the conduct that needs to be observed in order to protect the marine environment and ensure conservation of its resources. Although it is true that in some areas of the law of the sea there is still a need for further legislative development, it is nonetheless true that what is most needed is for States to effectively comply with the obligations they have formally accepted.

It is therefore very important, we feel, to pursue the effort under way to establish a process for the periodic submission of reports and assessments on the state of the global marine environment, including socio-economic aspects. We believe that establishing this system will require time, but we are convinced of its importance because, among other things, it may have an impact on the attitude currently adopted by many States regarding this problem, leading them from ignorance or indifference to an aggressive defence of the marine environment.

We hope that the Secretary-General will adopt as soon as possible the measures that are recommended in paragraph 64 of the draft resolution that we are going to vote upon, so that the periodic submission of reports and assessments on the state of the global environment can become operational in the near future. The process should be organized on the basis of the principles suggested in the report. In particular, it should be organized in order to ensure that it is periodic, focused exclusively on the marine environment and broad in its scope. In other words, it should be comprehensive or inclusive in the sense that it should encompass all aspects and problems pertaining to the marine environment. But it should not necessarily be exhaustive, as repeatedly stated in the report, as a result of a mistranslation of the word "comprehensive" into the Spanish version of the report. Above all, the information that is produced by this planned system should furnish elements that can later be incorporated into national policies on marine environmental protection.

The picture with regard to the conservation of living marine resources is not much better than that concerning the marine environment in general. Recent reports and studies only confirm that a trend persists towards depletion of marine fauna and the exhaustion of certain species, including some species of fish that are the most abundant and of greatest economic importance.

The report of the Secretary-General characterizes as deplorable the state of conservation and regulation of many fisheries. We are informed that a factor that influences the maintenance of this situation is the expansion of illegal, unreported and unregulated fisheries. In many cases, that growth occurs because countries, in particular small developing countries, that are responsible for controlling fisheries activities and curbing related illegal, unreported and unregulated activities lack the necessary resources and capacity to do so.

In Uruguay, we are making the greatest possible effort to combat these practices within the framework of our limited human, technical and financial resources. Recently, important control measures have been adopted by the competent maritime authority, such as the conduct of inspections that are more thorough and frequent than the routine inspections that are carried out on suspicious ships. Other measures include improvement in software and data processing by shore-based control centres, the revocation of flags from ships engaged in unlawful fishing, and suspension of the licenses of Uruguayan officers manning ships that are flying other countries' flags and that are caught fishing illegally.

To the critical conditions affecting the marine environment and its resources we must add those of marine safety. Crimes at sea continue to occur and there is a constant increase in incidents of piracy and armed robbery against ships.

In light of these grave problems, it is clear that the question of oceans and law of the sea should remain a priority item on the international agenda. At a time when a commendable effort is being made to restore to the General Assembly its proper authority as the most representative organ of the international community and at a time when there is talk of substantially reducing its agenda as one way of achieving that revitalization, we believe that the agenda item on oceans and law of the sea is surely not one of

those that should be eliminated from this agenda or which should be subjected to periodic review.

But also, within the context of efforts to revitalize the Assembly — efforts which, in fact, pursue the goal of restoring to this organ the authority which it had but which it has lost in recent years — we should try to curb, in the draft resolution we are about to adopt, the tendency that can be seen in the majority of resolutions. That tendency is to increase the length of the text by repeating every year what was said the previous year, and incorporating every year more topics, more references and more details. If the trend continues, the annual resolutions on oceans and law of the sea will, within a few years, become longer than the Convention itself. Future resolutions should focus on important substantive items, trimming away everything that is redundant and superfluous and eliminating expressions of thanks and recognition and unnecessary references. That would be the best way to promote a broader dissemination of the resolutions and increase their impact.

Finally, I wish to refer to a mechanism that, in our judgement, does contribute greatly to awareness and understanding of the problems concerning the oceans, that is, the Open-ended Informal Consultation Process on Oceans and Law of the Sea. Our delegation participated actively at the last meeting of this Process and we appreciated the high level at which the debate was held. We believe all delegations were enriched by it. Continuing this Process next year on the topic that is proposed in paragraph 68 of the draft resolution that we are considering will undoubtedly constitute another valuable contribution that will help the international community appropriately face the great problems affecting oceans and their resources.

Mr. Laurin (Canada) (*spoke in French*): It is with great pleasure that Canada participates today in the debate on oceans and the law of the sea. Indeed, it is the first debate in which Canada takes part as a State that has ratified the United Nations Convention on the Law of the Sea. The Convention will enter into force for Canada almost 20 years to the day after the final session of the Conference, at which the Honourable Allan McEachen and Alan Beesley signed the Convention on behalf of Canada. In his statement on that occasion, Mr. MacEachen declared that the Convention is one of the greatest accomplishments of the United Nations and is worthy of the support of every nation.

I should like to take this opportunity to thank Mrs. Annick de Marffy for all of her efforts as Director of the Division for Ocean Affairs and the Law of the Sea. She will be missed by all of us who had the pleasure of working with her during the past 10 years. I should also like to thank her staff, who helped to facilitate the consultations on the draft resolutions under consideration, as well as the two coordinators who presided over the informal consultations this year: Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States.

Canada has always believed in the law of the sea. By ratifying the Convention, we affirmed our belief in the application of the rule of law to the world's oceans. The Convention has proved to be a flexible instrument particularly capable of meeting the challenges that have arisen since its adoption. However, nothing can stop time or technology, and that is why the Convention provided for the opening of an amendment process 10 years after the Convention's entry into force.

Thus, the Convention is a living document with which we can face problems of the twenty-first century. Certain of those problems, like overfishing and the use of flags of convenience to avoid conservation and management measures, are all too familiar to us but remain unresolved. Others, such as bio-prospecting, are new. In that respect, we welcome the discussions that will take place during the Open-ended Informal Consultative Process on Oceans and the Law of the Sea on new sustainable uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

(*spoke in English*)

Another issue that is dealt with in the draft resolution before us today (A/58/L.19) relates to the coordination and cooperation necessary to achieve effective oceans governance. Our governance of the oceans has evolved piecemeal along with the technologies that allowed us to exploit the oceans' resources. Although we are far from having a complete picture of the oceans, the vast range and integrated nature of oceans activities have made it painfully clear that no single activity can be managed in isolation, nor can any single organization operate in isolation.

How to apply a holistic or integrated ecosystem-based approach is part of the challenge before us, but

we are making progress, both domestically and internationally. The World Summit on Sustainable Development highlighted the importance of managing oceans — particularly those areas subject to accelerated change and development — in a regional context. Arctic Council ministers have taken a major step forward in that vein by initiating a strategic plan for protection of the Arctic marine environment that will be founded on an ecosystem-based approach. We must continue to work towards better management of the oceans. In that respect, we applaud the efforts reflected in the draft resolution to enhance coordination and cooperation in oceans management.

With its ratification of the United Nations Convention on the Law of the Sea, Canada looks forward to revitalizing its involvement in oceans issues. We value our new membership in the institutions established by the Convention, and we intend to participate fully in them. We appreciate the welcome we have received from the Secretary-General and from States already party to the Convention, and we look forward to working with this family of nations on all issues relating to the law of the sea.

Ms. Wadibia-Anyanwu (Nigeria): The Nigerian delegation commends the Secretary-General for his comprehensive report under the item of oceans and the law of the sea (A/58/65), now under consideration. We welcome the efforts made thus far towards the establishment of a global marine assessment, which is to be a regular, global and comprehensive assessment of the marine environment.

Given the need to address the challenges posed to successful management of the marine environment and the question of the deteriorating state of the world's oceans and seas, Nigeria is greatly encouraged by the desire of the international community to have an established marine assessment process that is truly global. We hope that the establishment of a new global marine assessment process will provide coherent, viable options and measures to address the socio-economic consequences of the degradation of the marine environment.

As a developing coastal State, Nigeria continues to grapple with the enormous responsibility of improving the living standards of its coastal populations by seeking ways to ameliorate the economic and social setbacks occasioned by adverse environmental impacts. Considering the transboundary nature of negative environmental impacts and the ensuing economic and social problems associated with marine degradation, Nigeria strongly supports an assessment that will fundamentally address the socio-economic causes and consequences of the dreadful conditions of the marine environment.

Nigeria commends the Secretary-General for his report (A/58/215) on the status and implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention for the Law of the Sea of December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Nigeria attaches great importance to the United Nations Convention on the Law of the Sea, which establishes a legal order for the oceans and seas, the thrust of which is to promote the peaceful uses of oceans and seas; the equitable and efficient utilization of their resources; the conservation of their living resources; and the study, protection and preservation of the marine environment.

Nigeria appreciates the management and conservation of fish stocks. Commercial fishing constitutes an important factor in ensuring the food security programme, a cardinal policy of our Government. Therefore, the conservation and rational use of living resources of the sea, as well as the sustainable development of resources, are vital to the programme's success. In that regard, Nigeria notes with interest in the Secretary-General's report that the Fish Stocks Agreement has made an important impact on the conservation and management of international fisheries and has become the benchmark for best international practice in many States. We believe that the Agreement represents a courageous attempt by the international community to protect commercially important species that have been subjected to illegal, unregulated and unreported fishing.

However, the Nigerian delegation is concerned that, despite that good progress, developing coastal States are not yet able to make full use of their sovereign rights in order to realize the opportunities provided by the Agreement and to contribute to its full implementation. The main constraint has been the issue of lack of capacity. It is noteworthy that the report under consideration indicates that that major setback could be addressed through priorities for a Part VII trust fund in the Agreement and through greater recovery of conservation and management costs through the terms for access agreements. There is an

urgent need, therefore, to take the necessary measures to actualize these safety valves for the benefit of developing coastal States.

We would like to underscore the fact that developing countries are disadvantaged in terms of the acquisition of technology and expertise relating to many aspects of activities in the oceans and seas, particularly in the seabed. In such areas as exploration and exploitation of seabed minerals, conservation and protection of living resources, coastal management, marine scientific research and problems of pollution and toxic and chemical waste dumping, developing countries lack the relevant expertise and tools. Developing countries would also require timely assistance in the area of appropriate and comprehensive legal regimes to govern the effective management of the ecosystem.

There is no doubt that developing countries need help through cooperation, partnership and technical assistance in line with article 140 of the United Nations Convention on the Law of the Sea, which states that activities in the area are to be carried out for the benefit of mankind as a whole, taking into consideration the interests and needs of developing countries. This is further buttressed in article 202 of the Convention, which obliges States to give technical assistance, either directly or indirectly, to developing countries to enable them to protect their marine environment.

In conclusion, Nigeria calls for a concerted effort to extend meaningful assistance to developing countries in capacity-building to conserve and manage stocks and facilitate their participation in and strengthening of existing regional fisheries management organizations. Similar assistance will be needed in the area of costs associated with the settlement of disputes.

Ms. Uluiviti (Fiji): I have the honour to deliver this statement on behalf of my permanent representative, His Excellency Mr. Isikia Savua.

I first wish to associate my delegation with the statements that were delivered earlier by Ambassador MacKay on behalf of the Pacific Islands Forum group and by Morocco on behalf of the Group of 77 and China. In addition, I wish to make the following remarks.

We welcome the ratification of the United Nations Convention on the Law of the Sea by Canada and invite other Member States to follow suit and thereby contribute to the growing universal character that the Convention deserves, a character that would ensure holistic and sustainable global governance of oceans and seas. Such governance is even more imperative today as we face continuing, as well as new and emerging challenges associated with uses of the ocean. The Secretary-General's role in promoting universal participation in the Convention is noted and needs to be further supported. Perhaps a General Assembly treaty event at the tenth anniversary of the Convention's entry into force would be a fitting occasion to consider.

In light of the myriad challenges, mostly unanticipated twenty years ago upon the Convention's adoption, the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has become a critical process. It is assisting this Assembly to tease out select topical substantive issues of concern that need sharper focus and direction, as well action at the global, regional and national levels.

The Informal Consultative Process has also afforded Member States an annual informal occasion for sharing amongst Governments, experts, institutions, agencies, regional organizations and non-governmental organizations (NGOs). UNICPOLOS has given positive force to integrated and coordinated management in the governance of oceans. The cross-hybridization that this process has produced is evident in draft resolutions A/58/L.18 and A/58/L.19. In particular, we note the preparations for getting the interagency international coordination mechanism by the Secretary-General underway, in consultation with relevant bodies associated with the Convention as was requested by the General Assembly. This mechanism is very much informed by the successes of the Informal Consultative Process model.

The success of the Informal Consultative Process is due not only to participating Governments and delegations, but also certainly and in great measure to the technical capabilities of the Division for Ocean Affairs and the Law of the Sea, which liaises productively with treaty institutions and relevant agencies to produce the Secretary-General's report. That very comprehensive report often encapsulates the very latest developments and is on the cutting edge in the field of oceans, well ahead of the General Assembly. We wish, therefore, to thank Annick de Marffy for her expert leadership of the Division, a very

able team, and for her dedicated services, and we wish her well on her impending departure.

One of the recommendations of the fourth meeting of the Informal Consultative Process, which is reflected in the omnibus oceans draft resolution A/58/L.19, is the need for capacity-building, especially with respect to developing countries, in the production of nautical charts to improve safety of navigation. We have full confidence in the International Hydrographic Organization, working through its regional offices and in collaboration with other relevant international organizations to assisting States in this onerous task.

The growing value of the Informal Consultative Process can be appreciated, given the complexities of the oceans and seas, of which the representative of Canada spoke only a moment ago. Much of the oceans remains unknown and unexplored. We therefore welcome the agreed topic for the fifth UNICPOLOS meeting next year: sustainable new uses of the oceans, including the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction.

Many developing countries lack the requisite capacities, knowledge and resources to explore the many complex facets of the ocean and yet have the obligation of providing reports and assessments on a regular basis. There is still a need for both information sharing and international assistance for capacity-building, which has been much promised but from which we have yet to fully benefit. Clearly, until this sharing and assistance can be fully implemented and realized, there needs to be some global oceans exploration within the parameters of the Law of the Sea Convention. This is worth considering in the near future, as various assessment models are on the horizon for this Organization. We would be pleased to ensure that those models remain within the ambit of the United Nations. Such a venture would maintain transparency and would be globally coordinated under the aegis of the United Nations. It would promise improved information sharing, and there would be equitable sharing of burdens and benefits. It would also enable Member States to continue to strengthen the legal framework for oceans governance.

In the same vein, we thank you for your guidance in this debate, Mr. President, and, in that connection, we fully endorse the recommendations by the Secretary-General on the evaluation of the Division, subsequently approved by the Committee for Programme and Coordination.

Quite apart from the enormous challenges we all speak of today, the issue of fisheries has its own set of problems and difficulties. While our region has always prided itself on its progressive regimes for fisheries management and economic development in that field, we are also committed to finding solutions to the global problems of over-fishing and overcapacity, which are caused predominantly by illegal, unreported and unregulated (IUU) fishing. Remedying those problems would avoid the transfer of overcapacity to other regions and would ultimately ease the situation of the world's fisheries, unless we adhere to the promises contained in draft resolution A/58/L.18. Strengthening international coordination and cooperation, including with regional fisheries management organizations, is vital to improving the world's fisheries.

While by-catch — incidental catch and discards — is not a problem of major proportions in our region as yet — and until there is efficient assistance and resources for our region to set up such a programme — it should be noted that non-target fish species have generally held a sacred place in the social fabric and traditions of Fiji. However, despite the current lack of a regional programme on by-catch and incidental catch, Fiji, like other Pacific Islands Forum members, has always had a strong national policy and legislation for the conservation and management of turtles sharks and other non-target species.

We hope that, through the draft resolutions that we present for your consideration today, we can continue at the international level to sustainably manage and conserve those non-target fish species that are endangered in all fishery methods and practices, while at the same time closely adhering to obligations for the conservation, management and sustainable use all other fish stocks, including straddling fish stocks and highly migratory fish stocks.

For those reasons, Fiji has joined in sponsoring draft resolutions A/58/L.18 and L.19. Both texts very ably coordinated by Ms. Elana Geddis of New Zealand and Mr. Colin McIff of the United States, who we thank very much, and we commend the draft resolutions to all delegations for adoption.

The President: In accordance with General Assembly resolution 54/195 of 17 December 1999, I

now call on the Observer for the International Union for the Conservation of Nature and Natural Resources.

Ms. Kimball (International Union for the Conservation of Nature and Natural Resources (IUCN)): Sustainable ocean development is a major concern of IUCN. We welcome the many initiatives in the resolutions before the General Assembly that aim to promote that goal, as well as the continuing excellence of the Secretary-General's comprehensive oceans report.

We, too, will greatly miss Mrs. Annick de Marffy's leadership and wish her well.

IUCN has long recognized the 1982 United Nations Convention on the Law of the Sea as the basic framework for pursuing the goal of sustainable ocean development. At the same time, it is a constitutional document that provides for — indeed calls for — further developments consistent with its framework.

Many recent developments advance an ecosystem approach to ocean and fisheries management based on sound science and the precautionary approach. Yet growing threats to fish stocks, marine species and the productivity and functioning of ocean ecosystems are a cause for grave concern. Impacts on coastal areas are already profound, while technological advances continue to expand human uses of the high seas. A number of recent international oceans discussions point to the need for a quantum leap in our approach to sustainable ocean development — including IUCN's fifth World Parks Congress, held in September, which highlighted that less than 1 per cent of the world's oceans, seas and coasts have protected status.

We need to improve scientific knowledge and socio-economic evaluation as a basis for management and policy decisions and we need to build capacity so that all nations and peoples benefit from common ocean resources. The consequences for ocean governance, for further development of the oceans' constitution, are not necessarily profound, but they will require both commitment and effort. It is essential to scale up integrated approaches, not only at the national level, but also at regional levels. We should not hesitate to adapt proven tools to emerging challenges so that new ocean uses are sustainable, notably in deep sea areas and in areas beyond national jurisdiction. That will take some creativity, but most of the building blocks already exist.

The draft resolutions before the Assembly support major coordinated capacity-building efforts and cooperation among separate regional structures for integrated ocean management. We hope that the proposed global marine assessment will provide guidance for the application of precautionary and ecosystem approaches, that it will strengthen national and regional capacity and serve priorities at those levels, and that it will foster broad participation and partnerships. We also hope that a revitalized, United Nations inter-agency oceans coordination mechanism can make a special effort to promote cooperation among separate specialized regional structures, as well as global entities.

At the IUCN World Parks Congress, marine-theme participants stressed that marine protected areas networks are powerful tools for implementing the ecosystem approach and global and regional governance arrangements. They recommended that the international community include the high seas in its development of a global system of marine protected areas networks, consistent with international law, and cooperate in developing a global framework to facilitate the creation of such a system. In a joint initiative with the World Wildlife Fund, IUCN is finalizing a 10-year high seas marine protected areas strategy as a framework for promoting those developments. In addition, marine-theme participants at the Congress called for immediate and urgent action to protect the productivity and biodiversity of seamounts, cold-water coral communities and other vulnerable high-seas features and ecosystems.

Thus, IUCN particularly welcomes the General Assembly's call for an addendum to the Secretary-General's annual report to the General Assembly, focused on risks to the biodiversity of vulnerable marine ecosystems, especially those posed by high-seas activities (A/58/L.19). We plan to contribute to next year's discussions, exploring in greater detail both the immediate risks posed by high seas bottom-trawl fisheries and the opportunities and tools available to address risks of all types through international measures and arrangements. By beginning to tackle the larger question now, the international community may truly lay the groundwork for coordinated, global precautionary action.

On the more immediate risks, IUCN has joined with other scientists and conservation organizations in calling for immediate protection of seamounts, deep

water corals and other biodiversity hot spots from high seas bottom-trawling. Together with the World Wildlife Fund and the Natural Resources Defense Council, we have circulated a preliminary report indicating that both the amount and the value of current high seas bottom-trawl catch are less than 1 per cent of the global marine fisheries catch. Only approximately a dozen nations profit from those fisheries, yet they are significant, they are expanding and they are largely unregulated. The risks they pose to vulnerable deep-sea habitats and ecosystems, as well as the serial depletion of targeted deep-sea fish stocks associated with those features, seem a high price for the international community to pay.

Another IUCN concern is that business as usual in many of the regional fishery management organizations may exacerbate adverse trends in global marine fisheries. We strongly support the regional fisheries management organization evaluation called for in the fisheries draft resolution on implementation of the 1995 Fish Stocks Agreement (A/58/L.18), and urge that a systematic and targeted reform agenda be developed that incorporates performance indicators.

Finally, and perhaps most importantly, a major upgrade is needed in national, regional and global arrangements to strengthen compliance with and enforcement of international rules by all flag States, shipowners and ship operators, as well as by those who profit from illegal maritime activities. It is high time for a systematic approach that makes full use of all available tools and mechanisms in a coordinated manner. We hope that the meeting next year of the Open-ended Informal Consultative Process and the informal meeting of the States parties to the 1995 Fish Stocks Agreement can focus first on those critical and urgent governance issues.

The President: In accordance with General Assembly resolution 51/6 of 24 October 1996, I now call on the Observer for the International Seabed Authority.

Mr. Nandan (International Seabed Authority): I am pleased to make this statement on the work of the International Seabed Authority and to comment on some current issues relating to the oceans and the law of the sea.

I wish to welcome the new States parties to the Convention — especially Canada, whose delegation was an active participant in the negotiations on the Convention — and I look forward to other States becoming parties, in particular the United States of America, which is currently considering accession.

Once again, we have before us a very informative report of the Secretary-General. I should like to acknowledge the work of the secretariat of the Division for Ocean Affairs and the Law of the Sea and other agencies and bodies that contributed to the report, and to commend the Director of the Division, Mrs. Annick de Marffy, for her leadership. I have had a long association with Annick as a colleague and as a friend, and I should like to personally wish her a long and happy retirement.

The draft resolutions under item 52, "Oceans and the law of the sea", are very comprehensive, and I commend those who worked so hard to put them together. I note with satisfaction that throughout the draft resolutions, there are references to the needs and interests of developing countries. It is important that those needs be given practical meaning so that developing countries can see some tangible benefits from the implementation of the Convention. Those needs and interests were identified, based on responses of States, in a study prepared by the Secretary-General that is contained in document A/45/712. It would be useful to refer back to that study and the important recommendations that it contains to see how they can be given practical effect.

I wish to express the appreciation of the International Seabed Authority to the delegations that have expressed their support for the Authority's work. It is encouraging that there continues to be such a high level of interest in its work. I believe that to be a positive indication of the commitment of member States to see the Authority fulfil its responsibilities in accordance with the 1982 Convention and the 1994 Agreement relating to the Implementation of Part XI of the Convention.

I hope that as many member States as possible will be able to attend the next session of the Authority, which will take place from 24 May to 4 June 2004 and which will be preceded by an additional week of meetings of the Legal and Technical Commission. That session will mark another milestone in the life of the Convention, as it will be the tenth anniversary of the Authority's establishment.

In light of the experience gained since the Authority began to function as an autonomous body,

and taking into account the continuous developments in science and technology that have taken place with respect to deep-seabed mining, I had indicated to the Assembly of the Authority that, at its tenth session, I would present a comprehensive three-year plan that would include proposals for streamlining and restructuring the secretariat in such a manner as to reflect the more technical emphasis in the Authority's work. I hope that a rigorous and comprehensive multi-year work programme will be of benefit to all member States and that it will help the Assembly of the Authority to prioritize activities and will provide a mechanism to measure performance against clearly stated objectives.

I should like to take this opportunity to remind States of the decision taken by the Assembly of the Authority to establish a trust fund to help developing countries members of the Legal and Technical Commission and of the Finance Committee to participate in the work of those bodies. I urge Member States to consider making contributions to the trust fund.

One important outstanding organizational matter that has been of concern to member States of the Authority for several years is the supplementary agreement between the Authority and its host country concerning the contributions to help meet the maintenance cost of the Authority's headquarters. At the Authority's ninth session, held in Kingston in July 2003, member States had urged me to work together with the Government of Jamaica to conclude a supplementary agreement as soon as possible. I am very pleased to be able to report to the General Assembly that, with the cooperation of our present colleagues in the Government of Jamaica's Ministry of Foreign Affairs and Trade, who took their obligations seriously as a host country, it has been possible to finalize an agreement with the Government of Jamaica. The conclusion of that supplementary agreement effectively completes the outstanding work with respect to the organizational phase of the Authority's existence.

Perhaps the most important way in which the Authority can contribute to the overall scheme for ocean governance set out in the Convention and the Agreement is as a repository of scientific data and information on the deep seabed and as a catalyst for marine scientific research in the international Area. Indeed, one of the Authority's basic responsibilities under the Convention is to promote and encourage marine scientific research in the Area and to disseminate the results of that research.

The most immediate and practical way in which the Authority has begun to implement its responsibilities is through a programme of technical workshops. Those workshops have brought together internationally recognized scientists, experts, researchers, contractors, representatives of the offshore mining industry and member States. They have covered issues such as the assessment of environmental impacts from deep-sea exploration, mining technology, the status of resources, standardization of techniques for data collection and prospects for international collaboration in deep-sea environmental research.

As a direct result of the workshops, the Authority has developed environmental guidelines for deep-sea nodule exploration and is in the process of elaborating international guidelines for standardization of data from deep-sea research, as well as a geologic model of the ocean floor in the Clarion-Clipperton fracture zone of the Pacific. Only last week, I met in New York with the representatives of contractors, and I feel very encouraged by their commitment to cooperate actively in the development of the geologic model.

In addition, the Authority is a partner with scientists and institutions from the United States, France, the Republic of Korea, the United Kingdom and Japan, as well as a number of contractors, in a major international research project to study large-scale patterns of species diversity and gene flow in the deep Pacific with a view to better predicting and managing the effects of deep-seabed mining. That project — which is funded substantially by the J. M. Kaplan Fund — will use state-of-the-art molecular and standardized morphological taxonomy to evaluate levels of species overlap and rates of gene flow across the nodule province for key components of polychaetes, nematodes and foraminifera. Within the framework of that project, it is also proposed that scientists from developing countries be trained in the use of molecular techniques for the study of biodiversity. The results of the project — including specific recommendations on minimizing risks to biodiversity resulting from seabed mining — will be disseminated through the Authority to the international community.

In my statement to the Assembly last year, I mentioned that scientific research in the oceans, including the ocean floor, is perhaps the most significant of all ocean activities because it relates directly to improvement in all uses of the ocean and also to the invention of new uses. Therefore, it is particularly encouraging to note the recommendation, contained in paragraph 68 of draft resolution A/58/L.19, that the next meeting of the Consultative Process should organize its discussions around the question of the conservation and management of the biological diversity of the seabed in areas beyond national jurisdiction. That is a matter of particular concern to the Authority, because it is becoming increasingly obvious that the areas of greatest biological diversity in the deep ocean are the areas where the highest concentrations of minerals are found. Since it is the responsibility of the Authority, under article 145 of the Convention, to ensure that measures are taken to protect the flora and fauna of the marine environment from harmful effects that may arise from activities in the Area, it is equally obvious that evaluation of the ecology of the deep ocean is a very important aspect of the Authority's work.

Every time a scientist makes a completely unexpected discovery in the oceans, it is a reminder of how little we know about that critical environment. By now, it must be clear to all of us that long-term epistemic management of the deep ocean environment, or biosphere — which should be the goal to which we aspire — will require thorough knowledge and a catalogue of ocean resources, both living and non-living. Not only must this be done, but the results of such a study must be shared among all nations — developed and developing, coastal and landlocked — on an equitable basis. For we cannot protect, conserve or otherwise sustainably manage the marine ecosystem with little or no knowledge of the marine environment.

The problem is that no single nation has the financial, technological and intellectual capacity to undertake a global scientific research programme of the magnitude that is required. To be truly effective, international collaboration on a vast scale is needed, involving scientists, researchers, organizations and Governments from around the world. We are beginning to see such programmes take shape.

The Authority's own modest efforts to develop a better understanding of the deep ocean environment are based on broad cooperation between prospective miners, research institutions and individual scientists. On a more ambitious scale, the Census of Marine Life is a programme of international research involving more than 60 institutions from 15 countries for assessing and explaining the diversity, distribution and abundance of marine organisms throughout the world's oceans. Likewise, the Integrated Ocean Drilling Programme, involving scientists from some 23 countries, is designed to study geological and geophysical aspects of the seabed. Many other cooperative programmes, of various levels, complexities and formality, are also taking place.

But it is my belief that much more could be done to promote, sustain and manage an effective international programme for ocean exploration. It seems to me that this is an area in which the General Assembly, as the supreme political body of the United Nations system and with global competence for ocean governance, could take a lead and declare its support for enhanced efforts in the research and exploration of the oceans.

In this regard, rather than act as a vehicle for bureaucratic coordination, the General Assembly should take the initiative to identify areas of study of broad international interest such as, for example, deep ocean biodiversity, the sub sea biosphere, seamounts and marine biotechnology and promote collaborative research among scientists, institutions and Governments of all nations. By galvanizing international opinion and fostering the political commitment to contribute to such programmes, we would hope to drastically alter the existing situation in which the world spends tens of billions of dollars on research on outer space and only a very small fraction of that amount on understanding the ocean, which plays such a vital role in sustaining human life on planet Earth. More importantly, since economic development is directly linked to developments in science and technology, it is only in this way that we will collectively begin to give effect to the ideal expressed in the preamble of the United Nations Convention on the Law of the Sea for a "just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries ...".

I hope we will have an opportunity during the informal consultations on the law of the sea next year to give consideration to a General Assembly

declaration in order to give new impetus to ocean exploration as a major goal for humankind for the twenty-first century.

The President: I thank the Secretary-General of the International Seabed Authority.

In accordance with General Assembly resolution 51/204 of 17 December 1996, I now call on Mr. Dolliver Nelson, President of the International Tribunal for the Law of the Sea.

Mr. Nelson (International Tribunal for the Law of the Sea): It is an honour for me, on behalf of the International Tribunal for the Law of the Sea, to address this fifty-eighth session of the General Assembly in the annual review and consideration of the agenda item entitled "Oceans and the law of the sea".

It is a particular pleasure for me to speak to a General Assembly that is meeting under the presidency of Mr. Julian Robert Hunte, Minister for External Affairs of Saint Lucia. I extend to you, Sir, my personal congratulations and those of the Tribunal on your election as President of the General Assembly.

I would like to take this opportunity to report to the General Assembly on the developments that have taken place with respect to the Tribunal since the last General Assembly session.

First of all, it is with great regret that I inform you of the death, on 29 March 2003, of our esteemed colleague and friend Judge Lennox Fitzroy Ballah of Trinidad and Tobago. Mr. Ballah had been a member of the Tribunal since April 2002. His term of office was due to expire on 30 September 2011. At a special Meeting of States Parties to the United Nations Convention on the Law of the Sea, convened on 2 September 2003, Mr. Anthony Amos Lucky, of Trinidad and Tobago, was elected to fill the vacancy for the remainder of his predecessor's term, in accordance with article 6 of the Statute of the Tribunal.

With respect to organizational matters, I inform the General Assembly that during the current year the Tribunal held two sessions — the fifteenth session, from 10 to 21 March 2003, and the sixteenth session from 8 to 19 September 2003. These sessions were devoted to administrative and legal matters.

Last year I was unable to address the General Assembly, as the Tribunal was engaged in hearing the Volga case between the Russian Federation and Australia. The Russian Federation submitted this case to the Tribunal on 2 December 2002 by an application under article 292 of the United Nations Convention on the Law of the Sea, which deals with the prompt release of vessels and crews. The Tribunal delivered its Judgment on 23 December 2002.

In this case, the Tribunal was faced for the first time with the issue of non-financial conditions attached by the detaining State to the security required for the release of the vessel. In this regard, the Tribunal held that the inclusion of additional non-financial conditions in such a security would defeat the object and purpose of article 73, paragraph 2, of the Convention.

On the problem of continuing illegal, unregulated and unreported fishing in the Southern Ocean, the Tribunal had this to say, in paragraph 68 of its Judgment:

> "The Tribunal understands the international concerns about illegal, unregulated and unreported fishing and appreciates the objectives behind the measures taken by States, including the States Parties to CCAMLR, to deal with the problem."

This year, the Tribunal heard its twelfth case. The case was instituted by Malaysia against Singapore on 5 September 2003. It concerned Malaysia's request for provisional measures under article 290, paragraph 5, of the Convention, in its dispute with Singapore regarding land reclamation by Singapore in and around the Straits of Johor. The Tribunal delivered its Order on 8 October 2003.

The Tribunal once again stressed the central role and cardinal importance of cooperation between the parties in the protection and preservation of the marine environment and reiterated the statement made in the MOX Plant Case in the Order of 3 December 2001, paragraph 82, that "the duty to cooperate is a fundamental principle in the prevention of pollution of the marine environment under Part XII of the Convention and general international law ...".

The Tribunal was of the view, in paragraph 99 of the Order, that "prudence and caution require that Malaysia and Singapore establish mechanisms for exchanging information and assessing the risks or effects of the land reclamation works ...". With a view to achieving this objective, the Tribunal did prescribe

provisional measures pending a decision by the Annex VII arbitral tribunal.

I am pleased to note that the Order of the Tribunal in the case concerning land reclamation by Singapore in and around the Straits of Johor was adopted unanimously and that the two ad hoc judges who participated in the proceedings also joined the unanimity.

A case still pending on the docket, concerning the conservation and sustainable exploitation of swordfish stocks in the South-Eastern Pacific Ocean (Chile v. European Community), was submitted to a chamber of the Tribunal. The time limit for making preliminary objections with respect to the case was extended at the request of the parties to enable them to reach an agreement.

The Tribunal, as already mentioned, has dealt with 12 cases so far. In its decisions, which have been delivered within remarkably short periods, the Tribunal has made significant pronouncements on several aspects of the United Nations Convention on the Law of the Sea. I would like to convey our special gratitude to the sponsors of the draft resolution for noting the continued contribution of the Tribunal to the peaceful settlement of disputes, in accordance with Part XV of the Convention, and for underlining the important role and authority of the Tribunal concerning the interpretation or application of the Convention and the Agreement relating to the Implementation of Part XI of the Convention.

Thirty-two States parties have made written declarations relating to the settlement of disputes under article 287 of the Convention and 19 States parties have chosen the Tribunal as the means or one of the means for the settlement of disputes concerning the interpretation or application of the Convention. It is to be hoped that an increasing number of States will utilize the possibility offered by article 287 of the Convention of choosing means for the settlement of disputes concerning the interpretation or application of the Convention, as stated in the draft resolution. Another alternative that States may use is to confer jurisdiction on the Tribunal through international agreements. Several such multilateral agreements have already been concluded.

The cases dealt with by the Tribunal to date have been largely confined to instances where the Tribunal has been granted special jurisdiction — the prompt release of vessels and crews and the prescription of provisional measures. It is fitting for me to remind delegates that the Tribunal has competence under the Convention, and remains ready to resolve a much wider range of disputes concerning the interpretation or application of the Convention.

I wish to draw the attention of delegates to General Assembly resolution 55/7, entitled "Oceans and the law of the sea", of 30 October 2000, whereby the Assembly requested the Secretary-General to establish and administer a voluntary trust fund to assist States in the settlement of disputes through the Tribunal. Only one State has so far made contributions to the fund. I hope that more contributions would be forthcoming to make that fund meaningful.

As reported last year to the General Assembly, the Tribunal has taken steps to strengthen its relations with other international organizations and bodies. During the current year, the Tribunal has concluded such arrangements with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Secretariat of the International Seabed Authority, the European Court of Human Rights and the Inter-American Court of Human Rights.

As of November 2003, there was an unpaid balance of assessed contributions to the overall budget of the Tribunal in the amount of $1,704,736 for the 1996-1997 to 2003 budgets of the Tribunal. The Tribunal is aware of the difficulties this situation may raise with respect to its proper functioning. The Registrar will send notes verbales to the States parties concerned in December 2003, reminding them of their outstanding contributions to the budget of the Tribunal.

There has been full and cordial cooperation between the Tribunal and the host country, the Federal Republic of Germany. Negotiations on the Headquarters Agreement between the Tribunal and Germany started in 1996. However, the Headquarters Agreement has not yet been concluded. The relations with the host country are currently governed by the Convention on the Privileges and Immunities of the Specialized Agencies of 1947. It has to be noted that the Tribunal operates within the United Nations system and therefore has to be treated in a manner consistent with the practices concerning United Nations institutions.

Since it is the first time that I am able to present this statement to the General Assembly, I take this opportunity to express my profound appreciation for the work of my predecessors, Judge Thomas Mensah and Judge Chandrasekhara Rao.

I also wish to place on record our deep appreciation to the Federal Republic of Germany and, in particular, to the Free and Hanseatic City of Hamburg for the excellent cooperation extended to us.

I conclude by expressing my gratitude to you, Mr. President, and to delegates for the opportunity granted me to address the Assembly. I also wish to thank the Secretary-General, the Legal Counsel and the Director of the Division for Ocean Affairs and the Law of the Sea for their support. Here I must acknowledge, on behalf of the Tribunal, the immense contribution Mrs. Annick de Marffy has made to the development of the law of the sea.

I wish the General Assembly every success in its important deliberations at this session.

The President: We have heard the last speaker in the debate on agenda item 52 and its sub-items (a) and (b).

We shall now proceed to consider draft resolutions A/58/L.18 and A/58/L.19.

I should like to inform members that action on draft resolution A/58/L.19 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on this draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

Before giving the floor to the speaker in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Ms. Tuğral (Turkey): I would like to explain my delegation's position before taking action on the draft resolution contained in document A/58/L.18. Turkey supports the international efforts to establish a regime of the sea based on the principle of equity and which can be acceptable to all States. However, the United Nations Convention on the Law of the Sea does not make adequate provision for special geographical situations, and as a consequence is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and most of its provisions, we are unable to become a party to it owing to those serious shortcomings.

For the aforementioned reasons, we are unable to give our consent to certain references to the Convention made in draft resolution A/58/L.18, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", in particular to its second operative paragraph where States are called upon to become parties to it. In this respect, Turkey disassociates itself from the consensus on this paragraph.

The President: We have heard the only speaker in explanation of vote before the vote.

The Assembly will now take action on draft resolution A/58/L.18, entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".

Before proceeding to take action on the draft resolution, I would like to announce that, since its introduction, the following countries have become sponsors: Cyprus, Sierra Leone and Mauritius.

May I take it that it is the wish of the General Assembly to adopt draft resolution A/58/L.18?

Draft resolution A/58/L.18 was adopted (resolution 58/14).

As members will recall at the beginning of the consideration of this item, I reminded them of the decision taken by the General Assembly to review the recommendations by the Committee for Programme and Coordination pertaining to the in-depth evaluation of the law of the sea and ocean affairs and to transmit all relevant comments to the Fifth Committee prior to that Committee's consideration of the proposed medium-term plan and its revisions. It is my understanding that the General Assembly endorses the

recommendations made by the Committee for Programme and Coordination, as contained in chapter III, section C.2, of its report (A/58/16), pertaining to the in-depth evaluation of the law sea and ocean affairs. It is my intention to communicate that information to the Chairman of the Fifth Committee by means of a letter.

If I hear no objection, it is so decided.

The General Assembly has thus concluded the present stage of its consideration of agenda item 52 and its sub-items (a) and (b).

At this stage I would like to thank the interpreters for their support and cooperation, both before lunch and at this particular point in time. Thank you very much.

The meeting rose at 6.35 p.m.

United Nations A/58/PV.65

General Assembly
Fifty-eighth session

Official Records

65th plenary meeting
Monday, 1 December 2003, 3 p.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 3.15 p.m.

Agenda item 38

Question of Palestine

Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/58/35)

Report of the Secretary-General (A/58/416)

Draft resolutions (A/58/L.23, A/58/L.24, A/58/L.25 and A/58/L.26/Rev.1)

The President: I give the floor to His Excellency Mr. Papa Louis Fall of Senegal, who, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, will introduce draft resolutions A/58/L.23 to A/58/L.26/Rev.1 in the course of his statement.

Mr. Fall (*spoke in French*): Today marks the International Day of Solidarity with the Palestinian People, which is observed on the 29 November, as designated by the General Assembly. It is customary that on the day of observance, the Assembly takes up the item entitled "Question of Palestine".

The President of the General Assembly, the Secretary-General, the President of the Security Council and several other high officials addressed the solemn meeting held this morning, which colleagues and representatives from Missions here in New York also attended.

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to thank you all for your show of support each year and for your active interest and involvement in the tireless search for a just and lasting solution to the question of Palestine.

Before I introduce to you the four draft resolutions approved by our Committee last month, allow me to now refer very briefly to the situation on the ground and the subsequent developments in the political arena.

Over the past several months, the situation in the Occupied Palestinian territory, including East Jerusalem, remained very tense. There has been hardly any tangible progress in the implementation of the Quartet's road map. Despite years of effort and great reserves of patience aimed at ending the conflict and making peace between the two parties and despite the various agreements reached, the occupying Power has persisted in its illegal actions in the occupied territory. Palestinians still suffer under the Israeli policies of closures and curfews — an inadmissible form of collective punishment, which compromises their livelihood and hinders their access to their workplaces, schools and families.

The Israeli army often raided Palestinian towns, leaving in its wake death, desolation and destruction. Humanitarian workers were prohibited from delivering essential services to needy Palestinians, especially in

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

03-63450 (E)

refugee camps. While recognizing and strongly reaffirming Israel's legitimate right to security, the Committee nonetheless unequivocally condemns its policy and practice of extrajudicial killings, which are inadmissible under international humanitarian law. In a related matter, the Committee also condemns just as strongly all terrorist attacks — whatever their origin — against civilians in Israel, as these acts have no moral or legal justification and only threaten to undo any progress in the efforts to bring the two parties to reconciliation and peace.

Faced with a situation that is as alarming as this one and that has greatly moved the international community, the Tenth Emergency Special Session has been reconvened on two occasions in the last three months. On 25 September, the General Assembly adopted resolution A/RES/ES-10/12 demanding that Israel, the occupying Power, desist from any act of deportation and threat to the physical integrity and the safety of the elected President of the Palestinian Authority and immediately lift the illegal siege imposed on President Arafat. In its resolution ES-10/13 of 21 October, the Assembly demanded that Israel stop the construction of the separation wall in the occupied territory, including in and around East Jerusalem, and dismantle that work, which deviates from the Armistice Line of 1949 and is in manifest contradiction to relevant provisions of international law.

In this regard, the General Assembly asked the Secretary-General to report periodically on compliance with that resolution, with the first report focusing on the separation wall. The construction of the wall prejudges the outcome of future permanent status negotiations and makes the formation of a contiguous Palestinian State virtually impossible. Moreover, those actions heighten the feelings of anger and humiliation among Palestinians and incite more acts of violence.

Wishing to avert the worst case and wishing to extract the peace negotiations from the vicious cycle of violence, prominent Israelis and Palestinians from civil society have reached out to each other in order to explore together other possible paths that might work to end that impasse. Those initiatives, which have been welcomed by the entire international community, are regarded as consistent with the road map and seek to revive it. While those initiatives cannot take the place of official negotiations, the initiatives, including the Geneva Accords, deserve praise and encouragement. We congratulate the parties who have been involved in this noble and courageous undertaking for their efforts, under the enlightened leadership of friendly countries such as Switzerland.

Other positive developments have emerged that signal the possible resumption of a political dialogue between the parties. From that standpoint, we welcomed the confirmation last month of Mr. Ahmed Qurei as Prime Minister of Palestine, as well as the confirmation of the new Cabinet. Negotiations are continuing among various Palestinian organizations for a possible renewal of the ceasefire with Israel. The Israeli Prime Minister recently reiterated his Government's acceptance of the road map. We commend that action, although he did again refer to the 14 so-called clarifications or reservations.

While these small steps are encouraging and remain significant, the Committee calls for full implementation of the road map requirements. It calls on Israel to cease all acts of intimidation and harassment of Palestinians, to lift closures and curfews against the Palestinians and to immediately put a stop to its construction of the separation wall and expansion of settlements. On the other hand, the Committee urges the Palestinian Authority to increase and persevere in its efforts to meet the legitimate security concerns of Israel.

In an effort to give the peace process a fresh impetus, the Security Council on 21 November unanimously adopted resolution 1515 (2003). With that resolution, the Security Council finally endorsed the Quartet's Performance-based Road map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, and called on the parties to fulfil their obligations under the road map, in cooperation with the Quartet, in order to achieve a vision of the two States living side by side in peace and security. Strengthened by that resolution, which demonstrates the Council's intention to remain fully engaged in the efforts towards achieving peace in the Middle East, the international community must remain at the forefront of the search for a solution to the Israeli-Palestinian conflict and a just comprehensive peace in the Middle East. The United Nations should maintain its permanent responsibility towards all aspects of the question of Palestine, until it is resolved in a satisfactory manner, in conformity with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003). For its part, our Committee will remain committed to supporting the road map and the work of the Quartet,

until such time that the Palestinian people are able to finally exercise their inalienable rights.

In this context, I would like to introduce to the Assembly the four draft resolutions approved by the Committee and circulated under this agenda item, namely A/58/L.23, A/58/L.24, A/58/L.25 and A/58/L.26/Rev.1.

Before I do that, however, allow me to inform you that certain delegations have joined the sponsors of the four draft resolutions. Bangladesh, Togo and Mali have joined as sponsors of draft resolution A/58/L.23. Bangladesh and Mali have joined as sponsors of draft resolution A/58/L.24. Bangladesh and Mali have joined as sponsors of draft resolution A/58/L.25. Lastly, Bangladesh, Mali and Togo have joined as sponsors of draft resolution A/58/L.26/Rev.1.

The first three draft resolutions relate to the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the work of the Division for Palestinian Rights, and the work of the Department of Public Information, respectively. They reaffirm the important mandate entrusted to those entities in the past by the General Assembly and guarantee continuing support for the exercise of the inalienable rights of the Palestinian people and for a just and peaceful settlement of the Palestinian question.

As in the past, the Committee would retain the central role it has been given concerning that issue and would ensure that resources available to it are employed in a cost-effective manner for all activities mandated by the General Assembly.

The fourth draft resolution, A/58/L.26/Rev.1, entitled "Peaceful settlement of the question of Palestine" reflects the position of the General Assembly with regard to the essential elements of such a settlement and includes references to the developments of the past year and recent weeks, as I just outlined them. This year's draft has been updated to reflect key developments on the ground and in the political area. Acting on the authorization granted by the Committee membership at the last Committee meeting on 11 November 2003, the Bureau of the Committee has been able to continue negotiations with the various parties involved. As a result, a certain number of amendments have been accepted and introduced by various sponsors, mostly in the preambular part of the draft resolution.

These are the four draft resolutions that I have just submitted for your consideration. They underscore the positions, mandates and programmes that are of fundamental importance, particularly at the present critical stage. I would therefore like to call on the General Assembly to express its support for these four draft resolutions by the greatest possible majority of votes.

The President: I now call on Mr. Victor Camilleri of Malta, Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to introduce the Committee's report.

Mr. Camilleri (Malta): It is an honour for me, in my capacity as Rapporteur of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to present to the General Assembly the annual report of the Committee, contained in document A/58/35.

In the course of the past year, the Committee continued to carry out the mandate given to it by the General Assembly. The report covers the developments through 9 October 2003, relating to the question of Palestine, the peace process and the activities of the Committee since last year's report.

The introduction of the report outlines the Committee's objectives and its general perspective on the events that have taken place in the course of the year.

Chapters II and III summarize the General Assembly mandates of the Committee, the Division for Palestinian Rights and the Department of Public Information and contain information on the organization of the Committee's work during the year.

Chapter IV reviews the situation relating to the question of Palestine, as monitored by the Committee during the year. Special emphasis was given to the various specific aspects of the situation on the ground, including Israeli actions in response to the Intifada; the settlement activity; the implications of the construction of the wall in the West Bank; the situation with respect to Palestinian prisoners; the humanitarian situation and the state of the Palestinian economy; the situation with respect to water resources available to the Palestinians; action by the United Nations system; and the continuing operational difficulties faced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In that chapter,

the Committee also clearly states its position with regard to extrajudicial executions of Palestinians and terrorist attacks against Israeli civilians.

Chapter V reviews the action taken by the Committee and is divided into two main sections. Section A describes action aimed at promoting Palestinian rights in the United Nations, including the General Assembly and the Security Council. That section makes reference to the communications addressed by the Chairman of the Committee to the Secretary-General and the President of the Security Council and statements made by the Committee over the year in reaction to events on the ground. Also included is information on the participation by the Chairman at various international forums.

Section B contains a detailed account of the implementation of the programme of work of the Committee and the Division for Palestinian Rights of the Secretariat. It also provides information on the continued dialogue between the Committee and members of the European Union. The section gives an account of the various international meetings organized in the course of the year; the Committee's cooperation with civil society; the research, monitoring and publications work of the Division for Palestinian Rights; the United Nations Information System on the Question of Palestine (UNISPAL); the training programme for staff of the Palestinian Authority; and the observance of the International Day of Solidarity with the Palestinian People.

Chapter VI provides an overview of the work done over the year by the Department of Public Information in pursuance of General Assembly resolution 57/109 of 3 December 2002.

The last chapter of the report contains the conclusions and recommendations of the Committee. In that chapter, the Committee expresses its concern over the lack of serious headway in the political process and the absence of any tangible improvement in the area of security. It emphasizes that the United Nations should maintain its permanent responsibility with respect to all aspects of the question of Palestine until it is resolved in a satisfactory manner in conformity with relevant United Nations resolutions and in accordance with international legitimacy, and until the inalienable rights of the Palestinian people are fully realized. The Committee further stresses the critical peacemaking role played by the Security Council and expresses its view that the Council, among other things, could and should encourage steps towards creating an effective mechanism for monitoring the implementation of the road map and for protection of the Palestinian population, including by authorizing the deployment of international observers.

The Committee affirms its intention to continue to promote support for the road map and the important work of the Quartet in pursuance of a comprehensive, just and lasting solution to the question of Palestine based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and other relevant resolutions, and the exercise by the Palestinian people of their inalienable rights.

The Committee stresses its strong opposition to the illegal construction by the occupying Power of the wall in the occupied West Bank and in areas close to East Jerusalem, and reminds the Government of Israel that this construction has devastating immediate and longer-term implications for the livelihood of the Palestinian people and endangers international efforts at resolving the conflict and realizing the vision of a region where two States, Israel and Palestine, are to live side by side in peace and security, as outlined in the road map.

The Committee calls upon the international community, most notably the Security Council and the General Assembly, to attach the necessary importance to that issue with a view to stopping the de facto annexation of Palestinian land and the construction of the wall by the occupying Power.

The Committee expresses appreciation for the involvement of Governments, intergovernmental organizations and civil society in its programme of international and regional meetings and conferences aimed at helping to promote constructive analysis and discussion of the various aspects of the question of Palestine and to mobilize international assistance for the Palestinian people.

The Committee further commends civil society organizations for their efforts at supporting international legitimacy with regard to the question of Palestine through advocacy and mobilizing public opinion, as well as for their unremitting initiatives to provide relief and assistance to the Palestinian people.

The Committee stresses the essential contribution of the Division for Palestinian Rights of the Secretariat

in support of the Committee's objectives and requests it to continue its programme of publications and other information activities, including further development of the UNISPAL documents collection. The Committee also notes the usefulness of the annual training programme conducted for staff of the Palestinian Authority, in spite of the difficulties on the ground, and requests the Division to continue it.

The Committee expresses the view that the special information programme on the question of Palestine of the Department of Public Information has made an important contribution to informing the media and public opinion on the relevant issues. The Committee requests the programme's continuation, with the necessary flexibility, as warranted by developments relevant to the question of Palestine.

Finally, wishing to make its contribution to the achievement of a just and lasting settlement of the question of Palestine and in view of the many difficulties facing the Palestinian people and besetting the peace process, the Committee calls on all States to join in this endeavour and invites the General Assembly again to recognize the importance of the Committee's role and to reconfirm its mandate with overwhelming support.

I trust that the report I have just introduced will be of assistance to the General Assembly in its deliberations on this very important issue.

The President: I now give the floor to the representative of the Permanent Observer Mission of Palestine, His Excellency, Mr. Farouk Kaddoumi.

Mr. Kaddoumi (Palestine) (*spoke in Arabic*): Mr. President, I would like to congratulate you on your election as President of the fifty-eighth session of the United Nations General Assembly. We are confident that you will conduct the deliberations of this session with great efficiency because of your unique skills and capabilities.

We would like to commend your predecessor, Mr. Jan Kavan, the former President of the General Assembly, for leading the work of the fifty-seventh session. We would also like to express our appreciation for the diligent efforts of Secretary-General Kofi Annan and his adherence to the principles of the Charter of the United Nations in promoting international peace and security. Finally, we would like to thank the Committee on the Exercise of the Inalienable Rights of the Palestinian People and its Chairman, Ambassador Papa Louis Fall, for their persistent efforts in the service of the Palestinian cause and in working towards security and stability in the Middle East.

During the past three years of the Palestinian intifada, Israel has worked hard to destroy all the remaining vestiges of the Oslo Agreements and their achievements, whether they are in the form of the Palestinian Authority's institutions and security systems, or in its infrastructure — all of which were primarily tied to the Oslo era. The escalation of Israeli aggression reached its climax with the siege against the elected Palestinian President, Yasser Arafat, at his headquarters, threatening his physical safety. Israel has thus set a precedent in modern history by taking a formal and public decision to liquidate the Palestinian President, Yasser Arafat, when it chooses to do so.

Israel has also worked to obstruct all international initiatives to calm the situation and to resume negotiations. It rushed to implement its political plans on the ground by building a racist separation wall, which draws new borders that would annex large settlements, isolate Palestinians in cantons and determine the sovereignty over Jerusalem, as well as water rights, in its own favour. It has also endorsed a law that prevents the return of refugees to areas occupied in 1948.

Even more dangerous than the foregoing is the Jewish State's success in imposing its concept of peace on the agenda of peace initiatives, limiting the concept of peace to a debate on security and terrorism, thus removing the Palestinians' legitimate rights from the discussion.

Israeli Prime Minister Sharon has claimed that ever since his rise to power he has been working on providing security for Israel. But he has failed. Three years later he has failed to make good on those promises. In truth, Sharon wanted to seize Palestinian land and annex it to Israel in order to satisfy his greedy desires. He thus began seizing and confiscating more land and building more Israeli settlements. He built the racist separation wall and found nobody to deter him. Instead, he found support and protection by the United States of America, whose president, George Bush, announced that Israel has the right to defend itself against Palestinian resistance.

Barak, before Sharon, had manoeuvred during the Camp David Summit in July, 2000, to impose a final status solution that did not even meet the bare minimum of legitimate Palestinian demands. When he failed, he waged an unjust campaign under the slogan of removing the mask from Arafat's face, whom he portrayed as the man who turned down the most generous Israeli offer for peace. In fact, Barak officially prevented members of the Israeli negotiating team from handing over any written document to the Palestinians to keep them and public opinion in the dark. That is how Barak rigged the failure of negotiations and delivered a blow to the peace camp in Israel. Barak's master stroke came when he announced that Arafat was no longer a partner in the peace process.

Last year, on 29 November, Israel's Permanent Representative to the United Nations, Mr. Yehuda Lancry, from this very podium, 54 years after the vote on the partitioning of Palestine, announced that the Government of Israel supported the creation of a Palestinian State. He was quickly refuted by Sharon — who issued a statement that Lancry was voicing a strictly personal opinion — because Sharon only sees a military solution to the conflict. Continued settlement activity, for Sharon, is of the utmost importance to Israel's security. In order to reassure the international community, Sharon has declared his willingness to accept a Palestinian State — but only on 42 per cent of the territory of the West Bank, or 9 per cent of the lands legitimately belonging to Arab Palestine. These are divided into separate demilitarized cantons connected by bridges and tunnels over which Israel would maintain security control by land, sea and air, and with the additional condition that the current Palestinian leadership be exiled.

The Palestinian intifada has refuted Sharon's belief that what cannot be solved by force will be solved by more force. All the violence that has characterized Israeli behaviour has not achieved Israel's security. We can thus draw lessons from the past three years: a solution cannot be imposed by force. Rather, it is diplomacy and politics that can guarantee security for everyone. Israeli officials, who are optimistic that the intifada will end soon, are ignorant of the fact that the Palestinian resistance is an affirmation of the political presence of a people under occupation. As long as the occupation persists, so will the intifada, regardless of its momentum or its forms — whether through armed action, violence or demonstrations as a necessary means of self-defence, as well as a means of protecting our legitimate right to end Israeli occupation.

We expected the United States to help to deter Israel from its terrorist actions in the hope that by doing so it would contribute to creating an environment conducive to the success of the peace process and the efforts of the Quartet in pursuing the road map. Instead, the United States is encouraging terrorism and Israeli aggression in the Middle East. How can a super Power that is combating terrorism — and requesting the cooperation of other countries to complete that mission — simultaneously encourage a rogue State, Israel, which has usurped Palestinian land over two stages in 1948 and in 1967 and which continues to expand and invade other neighbouring Arab countries? Israel occupied the Egyptian Sinai, the Syrian Golan Heights and Beirut, the capital of Lebanon. How then, we wonder, or rather can the United States Administration wonder, about the lack of success in its campaign against terrorism and why the people of the world hate its biased policies?

The United States has provoked the countries of Western Europe by bypassing the United Nations, dispensing with their cooperation on Iraq. Why does it not punish Lieutenant General William Boykin, the racist, extremist General who said that the God of Islam is a false god? What was President Bush's objective in agreeing to remove President Arafat who, in 1993, was the first Palestinian leader to reach political agreements with Israel under the sponsorship of President Clinton, who made great efforts that nearly led to a successful and mutually acceptable settlement, had it not been for the greed and deceptiveness of the Israeli leader Barak? Barak wanted to annex 9 per cent of the Palestinian territories to Israel and to lease 10 per cent of the territory of the Jordan Valley for many years while establishing early-warning stations in the heart of the Palestinian territories and imposing Israeli sovereignty over holy Muslim and Christian shrines in Jerusalem. He also refused to recognize the right of Palestinian refugees to return to their homes and properties. Later, he claimed that he had made painful concessions and then conspired with Sharon to have Sharon visit the holy Al-Aqsa Mosque. On the second day of Sharon's visit, the Israeli army fired on Muslim worshippers, sparking the intifada in retaliation to that act of Israeli terrorism.

Despite three years of bloody fighting, the Palestinian resistance responded to the Quartet and to international public opinion by declaring a three-month truce and ceasefire. However, Israel failed to respond to that initiative; rather, it continued its acts of terrorism, assassinating 86 Palestinian citizens — including several political leaders — within a 51-day period after the truce had begun. That compelled the resistance factions to retaliate. Today, despite all that, the Palestinian resistance expresses its willingness to declare a second truce and ceasefire, provided that Israel reciprocates.

Sharon has continued his acts of terrorism by demolishing houses, arresting and assassinating Palestinian citizens, tightening the siege on the Palestinian people and continuing to build settlements and the racist separation wall. On the morning of 5 October 2003, Israel shelled Ain Sahib, a village near Damascus in Syria, claiming that it was a training camp for Palestinian resistance elements. What is odd is that United States President Bush said, "Israel must not feel constrained in defending itself", when he knows very well that, for more than 35 years, Israel has been occupying Syrian territory in the Golan, where it has built 37 Israeli settlements. What, then, justifies such an Israeli action in an Arab country that respects the truce? There is no resistance in the occupied Golan that can be used as a pretext by Israel, while Israel claims that the reason for its continued occupation of Palestinian territories is the presence of the Palestinian resistance, which it calls terrorism.

In mid-October, Israeli forces destroyed more than 200 houses of Palestinian refugees in the Rafah refugee camp. Later, the spokesman for the United States State Department said, "We understand Israel's need to defend itself". And, in one of his statements, President Bush said that when the Palestinian Authority chooses a leader that really wants to combat terrorist organizations, that will enable the peace process to resume where it left off.

There are now 26 Israeli settlements in Gaza, constituting 8 per cent of its area; 6,429 Israeli settlers live in these settlements. However, 1.3 million Palestinians live in the Gaza Strip, which is only 365 square kilometres in area. We note that 5,800 Palestinians live in each square kilometre of Gaza, while the areas in which the Israeli settlements have been built have a population density of 55 Israeli settlers per square kilometre.

Moreover, Israel has built a concrete separation wall more than 7 kilometres long and 8 metres high in the city of Rafah, on the Egyptian border. Israel has bulldozed all farmland on the border strip, which is 100 kilometres long, and has cut down tens of thousands of citrus and banana trees, thus destroying the economic livelihood of the residents. Furthermore, Israel has demolished 900 houses and displaced their owners, who have become refugees. Israel has bulldozed a total of 3,270 dunams of farmland in the governorate of Rafah alone, and it has also destroyed irrigation wells, agricultural machinery, livestock barns and aviaries. It has also set up roadblocks and closed border crossings and airports, raising the unemployment rate to 70 per cent. The number of poor families has reached 5,228.

The Israeli Information Centre, B'Tselem, reports that the lives of around 875,000 Palestinians will be affected directly by the racist separation wall and that 650,000 dunums of land in the West Bank — 11.6 per cent of the West Bank — will be left between the wall and the green line.

After the wall is built, the land confiscated and 200 settlements constructed, how can the Palestinian-Israeli conflict be resolved on a fair and equitable basis? Will it be possible in future to establish two neighbouring States?

The Sharm el-Sheikh Summit and the Aqaba Summit were held in June, and President Bush, Arab leaders and Israeli Prime Minister Sharon and Palestinian Prime Minister Mahmoud Abbas all pledged to work to move the peace process forward and to implement its provisions in accordance with the road map. But we soon started to feel that Sharon was beginning to abandon his stand on the commitments he made. He assassinated a political leader of the resistance, thus creating tension once again.

It appears that the logic of the United States in dealing with Iraq is now influencing the Arab-Israeli conflict. Senator Lieberman supports Israel's position in opposing the removal of Israeli settlements, while it was backed by Howard Dean, another Democratic candidate. *The New York Times* said in an editorial that it strongly opposed what Senator Lieberman said in that respect and that ending settlement activities in the occupied Palestinian territories was a fundamental and key issue for the survival of the Israeli State.

Israel must prepare a plan to exit the West Bank and the Gaza Strip in order not only to enable the

Palestinians to establish a viable, contiguous and independent State but also to safeguard the future of Israel itself.

It appears that these days President Bush is afraid to pressure Israel and risk losing the votes of millions of mid-western neoconservatives with Zionist tendencies. This group is considered his key electoral base and a represents a powerful ideological force with a strong influence on American political life. I need not even mention the crisis situation in which the United States Administration has become embroiled in Iraq. It is odd that Israel has even attacked its friends in Europe as well as neutral United Nations representatives such as John Ziegler, who blamed Israel for causing widespread hunger among Palestinians.

Israel has warned that it might not be willing to cooperate in future with United Nations investigations in the field of human rights. The international envoy had warned that the Palestinian territories were on the brink of a humanitarian disaster because of the extremely stringent military measures taken by the Israeli forces.

The continued United States occupation of Iraq will serve only to provoke all of those forces resisting United States policy in Iraq and in the Arab and Muslim worlds. More United States violence will only lead to greater resistance. If the United States of America were to adopt the traditional British policy of "divide and conquer" by attempting to ethnically and religiously pit Iraqi factions against each other, the United States occupation will never be able to create a secure territory. However, if the United States chooses to do what the Secretary-General has called for — internationalizing the Iraqi issue politically and in terms of security; establishing, as soon as possible, a new Iraqi constitution; and holding general elections — that would lay the foundation for a new national State. That option which the Secretary-General is proposing is the best means of building Iraqi national unity on a democratic basis.

Democracy is the watchword that the United States has used in the Arab world. This means that it is important for the United States to cooperate with the countries neighbouring Iraq instead of threatening them, imposing sanctions on them or trying them, as the United States Congress has done when it passed the Syrian Accountability Act.

When we speak of Iraq, we are speaking also of the situation in the Middle East and the question of Palestine, because the Palestinian cause lies at the heart of the Arab-Israeli conflict. President Bush reassured Sharon by saying, "There is no one to threaten you any more." Is it not strange that the peoples of Europe have affirmed in a survey that Israel is the premier State that poses the most important threat to international peace and security?

Let us recall that European States were the ones that supported the Israeli State and that extended support and assistance to it for many years, to the extent of forming a military alliance with it to carry out a tripartite act of aggression against Egypt.

It appears that the Israeli actions that we have witnessed and all the material changes that Israel has made to the Palestinian territories will definitely lead to the establishment of a single State in which there is neither justice nor democracy, characterized by entrenched racism, which denies the Palestinian people their national rights.

In closing, we in the Arab world truly seek a friendship with the United States through the establishment of equitable ties that maintain a balance of interests that brooks no distinction between us and Israel. To that end, the United States must abandon the use of double standards and cease favouring Israel over the entire Arab world.

Implementation of Security Council resolution 1515 (2003) in support of the road map requires the Quartet's active role and pressure on Israel to abide by the will of the international community, so that security and stability can prevail in the Middle East. That can happen only if the United States ends its support for Israel or if the United Nations imposes economic sanctions on Israel. Here, we thank the Secretary-General for his report on the racist separation wall, and we affirm the need for the General Assembly to adopt additional measures, including a request for an advisory opinion from the International Court of Justice.

The path to peace can be achieved only if the parties concerned comply with and implement the relevant United Nations resolutions calling for the withdrawal of Israeli occupying forces from Arab territories, the establishment of an independent and sovereign Palestinian State, the dismantlement of the settlements and a just solution to the issue of

Palestinian refugees, securing their return to their homes.

Mr. Mantovani (Italy): I have the honour to speak on behalf of the European Union. The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria and Romania, and the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein align themselves with this statement.

The Middle East has been through yet another year of violence and tragedy. Bloodshed, confrontations and provocations have been accompanied by violence, terrorism and military measures. And sadly, once again, it has been the ordinary Palestinians and Israelis who have been taken hostage to the conflict and who have paid the price in terms of human suffering, disillusion and mistrust.

The European Union is deeply concerned by the situation in the region and has noted that, despite the support given by the international community to the quest for a just and lasting solution, insufficient effort has been made by the concerned parties to seize the opportunity for peace set out in the Performance-based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, presented by the Quartet to the parties on 30 April 2003. We therefore call once again on both parties, Israel and the Palestinian Authority, to live up to the commitments they undertook in this regard at the Aqaba summit on 4 June 2003.

The European Union is firmly committed to the clear objective of two States, Israel and a viable, independent and democratic Palestinian State, living side by side in peace and security, in the framework of comprehensive peace in the Middle East, as laid out in the road map and the relevant Security Council resolutions. We strongly reaffirm the principles stated in the road map. In that respect, the European Union welcomes and emphasizes the unanimous endorsement of the road map made by the Security Council in resolution 1515 (2003).

The European Union also urges all sides in the region to immediately implement policies conducive to dialogue and negotiations. The European Union's relationship with those who take steps to the contrary will be inevitably affected by such behaviour.

The European Union strongly condemns the suicide attacks and other acts of violence that have occurred over the last few months and calls upon all sides to refrain from any provocative action which can further escalate the tension.

Terrorist attacks against Israel have no justification whatsoever and damage the legitimate Palestinian national cause. The European Union reiterates that it is the duty of all countries, including those in the region, to actively cooperate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organizations.

The European Union emphasizes once again that, in compliance with the road map, the Palestinian leadership must concretely demonstrate its determination in the fight against extremist violence and urges the Palestinian Government and the Palestinian President to take immediate steps to confront individuals and groups conducting and planning terrorist attacks. The European Union still believes that Palestinian security services should be consolidated under the control of the Prime Minister and the Minister of the Interior.

While recognizing Israel's right to protect its citizens from terrorist attacks, the European Union urges the Government of Israel, in exercising that right, to fully respect international law, in particular human rights law and the Fourth Geneva Convention, to exert maximum effort to avoid civilian casualties and to take no action that aggravates the humanitarian and economic plight of the Palestinian people. It also calls on Israel to abstain from any punitive measures which are not in accordance with international law, including extra-judicial killings.

The European Union is particularly concerned by the route marked out for the so-called security fence in the occupied West Bank. The envisaged departure of the route from the Green Line could prejudge future negotiations and make the two-State solution physically impossible to implement. It would cause further humanitarian and economic hardship for the Palestinians. Thousands of Palestinians west of the fence are being cut off from essential services in the West Bank, while Palestinians east of the fence will lose access to land and water resources.

The European Union calls on Israel to stop and reverse its settlement policy and to immediately dismantle settlements built after March 2001. We also

call on Israel to lift the blockade on the occupied territories and withdraw its forces from Palestinian cities to the positions held prior to September 2000. Moreover, Israel must ensure the full, safe and unfettered access to the occupied territories by humanitarian personnel and assistance, in accordance with international humanitarian law.

More than ever, a clear political perspective is needed in order to ease tensions and rekindle the hopes and aspirations of the peoples in the region for a peaceful solution to the conflict. In that context, the European Union also welcomes initiatives from civil society on both sides and is ready to further assist in the effort to promote rapprochement, confidence-building and the search for lasting peace.

We are also encouraged by the relatively calm situation of the last few weeks, and we hope that a ceasefire will be agreed soon. We would like to commend the efforts currently made by the Government of Egypt in that regard, as well as the contribution of Jordan and other countries of the region in the efforts to restart the momentum for peace.

Finally, the European Union reiterates once again its determination to contribute to a just and lasting settlement of the question of Palestine, based on Security Council resolutions 242 (1967) and 338 (1973), and resolution 1397 (2002) on the road map presented by the Quartet to the parties on 30 April 2003, accepted by them and endorsed by Security Council resolution 1515 (2003), and stresses the importance and the urgency of setting up a credible and effective third-party monitoring mechanism composed of all members of the Quartet.

Mr. Baali (Algeria) (*spoke in French*): Document A/58/35, which is before us today — the report of the Palestinian Rights Committee — draws up an exhaustive and well-documented list of the exactions and brutalities committed by Israel, the occupying Power, against the Palestinian people and thereby places our review of the question of Palestine in a particularly worrisome context.

During the past year, the Israeli army has relentlessly pursued its policy of extrajudicial killings, shelling of refugee camps and destruction of public infrastructures and houses, mobilizing its formidable powers against unarmed populations, blocking access by humanitarian organizations to persons in distress, choking off all socio-economic life and radically obstructing the functioning of what remains of the Palestinian administration. This policy of adopting the worst possible tactics against a population wounded in body, bruised in spirit and despoiled of their property can only further diminish all chances of peace while fuelling the frustration and despair of the Palestinian people. This population is condemned to extreme poverty and to living in homes or makeshift shelters that are threatened with imminent destruction, unable to satisfy their most elementary needs and constantly fearing for their lives and security.

Algeria, which follows with deep concern the deterioration of the situation in the occupied Palestinian territories, wishes to reiterate its firm condemnation of the inhuman practices perpetrated by the Israeli army against the Palestinians, their property and their institutions. On the occasion of the International Day of Solidarity with the Palestinian People, which marks 56 years of plunder and injustice, my country wishes to reiterate its firm support to the heroic struggle being waged by this proud people to fulfil their inalienable national rights.

Ostensibly exercising its right to self-defence and ensuring its safety, Israel is committing today the worst acts precisely in order to deprive the Palestinian people of minimal security and to impose new unrealistic security demands upon a virtually annihilated Palestinian Authority, of which the legitimate and democratically elected leader, President Arafat, is the object of a decision of expulsion as scandalous as it is illegal. Acting in this manner, Israel is actually only pursuing the implementation of a policy of occupation and territorial expansion and denying the Palestinian reality, which remains nonetheless rather stubborn. It is in deliberate contravention of the obligations imposed by not only the Fourth Geneva Convention, especially in paragraph 6 of article 49, but also the principles of international law, that Israel, the occupying the Power, is pursuing the policy of illegal settlements, forward posts and settlement roads, as spelled out in paragraph 21 of the Committee's report. By these draconian measures, Israel is in fact redrawing a new map of the occupied territories on the ground and, at every occasion, appropriating more lands to satisfy its territorial voraciousness.

By building an expansionist wall — unanimously condemned by the international community — in the occupied Palestinian territories, including East Jerusalem, Israel is committing one further crime

against the Palestinian people, who also share that same desire to further expand the limits of their territorial space. The construction of this wall of shame, which imposes political faits accomplis that are totally unjust, has thus led Israel to confiscate and destroy the livelihoods of tens of thousands of Palestinian civilians and to illegally and in a de facto manner annex vast expanses of occupied Palestinian land, threatening to impoverish and further isolate families of refugees and to destroy the integrity of the Palestinian territory. Furthermore, pursuing the building of this wall constitutes a direct threat to peace and annihilates any physical possibility for the future creation of an independent Palestinian State, thus emptying the road map, which the Security Council has finally endorsed in resolution 1515 (2003), of its very substance.

The General Assembly, on 21 October, at the resumption of its tenth special session on the illegal measures taken by Israel, urgently called upon Israel to refrain from pursuing the construction of this wall and to dismantle the part that has already been built. Now that the report of the Secretary-General on the implementation of that decision (A/58/416) has been made public, establishing that Israel has not complied with the demands contained in resolution 1515 (2003), this Assembly should now take the necessary measures to lead Israel to conform to international legality.

While the Palestinians, since Madrid and Oslo, have made the strategic choice of opting for peace and have positively welcomed the endorsement of the road map by the Security Council, Israel has opted for a policy of further ignoring international agreements, as it deliberately turned its back upon peace, rejecting resolution 1515 (2003) and entrenching itself in a position of rejection and intransigence, since it feels confident of its impunity. Faced with this situation, the international community must act without delay and contribute to creating an environment favourable to the road map's implementation without delay. Any delay, indeed, can only increase the distress of the Palestinian people and encourage Israel to impose new faits accomplis in the territories and to reduce to nothing every chance for the settlement of this question, as it did for the Oslo process. It falls to the Quartet, in particular, to shoulder its responsibilities by redoubling its efforts with a view to introducing a just and comprehensive peace in the Middle East, applying the relevant resolutions of the United Nations and the principles of Madrid and implementing the road map as it was when it was made public and as endorsed by the Security Council.

The Council, for its part, should be called upon, pursuant to Chapter VII of the Charter, to set up a mechanism to ensure the road map's implementation according to a specific timetable. In order for it to be effective, that mechanism could, under the aegis of the United Nations, take the form of a multinational interposed force between the Palestinian and Israeli parties with a view to ensuring stability and calm in the region and supervising respect for mutual commitments as spelled out in the road map.

It is our conviction that the definitive settlement of the Israeli-Arab conflict requires an end to the occupation and the withdrawal of the Israeli army from all of the occupied Arab territories, including the Syrian Golan Heights and the last enclave occupied in Lebanon. Our Assembly, whose responsibility vis-à-vis the Palestinian people is great, should respond appropriately to the aspiration of that people to recover its legitimate rights, first and foremost the right to self-determination and to create its own independent State with Al Quds as its capital.

Mr. Danesh-Yazdi (Islamic Republic of Iran): At the outset, I would like to express my appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for providing us with the comprehensive report contained in document A/58/35. We believe that the report greatly illustrates the present situation in the occupied Palestinian territories, where Israeli oppressive policies and inhumane practices against the Palestinian people continue unabated.

Year after year, when we review the annual report of the Committee, we find the same systematic pattern of human rights violations in the occupied Palestinian territory: the escalation of violence, tragic loss of life, destruction of Palestinian homes, confiscation of lands and infringement of the norms and principles of international law.

The Committee's report provides us with an overview of the deteriorating situation in the Palestinian territory, which, in turn, further exacerbates the situation in the Middle East and threatens international peace and security. As outlined in the report, aggression and violence by Israel took a heavy toll on Palestinian lives and property in 2003. The

steady erosion of their basic rights has forced the people of Palestine to languish in a hopeless situation that worsens every day. Since September 2000, more than 2,800 Palestinians have been killed and over 46,600 have been wounded. In other words, 3 people have been killed and 43 have been wounded every day for the past three years.

Israeli actions in the Palestinian territory show contempt for humanity. The situation there calls for urgent international attention and opposition to the inhumane acts perpetrated by the Israeli regime. As the Palestinians are merely struggling for their basic rights, it is not just or acceptable that the daily criminal practices of the occupying regime enjoy some essential outside support.

During the course of the period under review, the occupying Power continued its territorial expansion through the illegal construction of settlements, outposts and road networks. Closures and curfews have continued, severely restricting the movement of Palestinians and their access to medical centres, schools and their places of work. Furthermore, the issue of prisoners continues to be a highly important and painful one for thousands of Palestinian families.

The construction of the separation wall, which cuts through the West Bank, bypasses roads and grabs Palestinian land, was among the illegal Israeli activities that, despite international outrage, continued over the past year. As a result of ongoing construction activities, more Palestinian homes are being demolished and swathes of lands bulldozed and seized. The completed part of the wall has already resulted in the unlawful confiscation of 2,850 acres that were economically essential for the over 210,000 Palestinians living in that area, and has thus had a severe impact on the overall Palestinian economy.

Over the course of the past year, the targeted assassination policy formally announced by Israel has led to the deaths of more than 50 Palestinians. The occupying Power attempted to justify that extrajudicial policy as a necessary expedient in combating terrorism. It goes without saying that those killings not only constitute a flagrant violation of international humanitarian law, and particularly the Fourth Geneva Convention, but also are a clear manifestation of Israeli State terrorism — a policy that the international community must speak out against in unison.

The legitimate rights of the Palestinian people to defend their dignity and liberate their homeland cannot and should not be branded as or equated with terrorism. The resistance of the Palestinian people against foreign occupation and brutal oppression is, in law and practice, an act of self-defence aimed at achieving self-determination.

The history of the Middle East over the past six decades attests to Israel's terrorist activities within and outside the Palestinian territories. During that period, the region has been swept up in a whirlpool of dangerous crises, the main source of which is Israel's intransigent policy to continue its occupation of the Palestinian land. Efforts to restore lasting peace and security in the region have not borne fruit thus far and will not succeed unless and until the root cause of the enduring crisis is fully and unreservedly addressed. To that end, the rights of the Palestinian people to self-determination and the return of all Palestinian refugees to their homeland are of particular importance.

The time has come for the international community to assume its responsibility to put an end to Israel's policy of aggression and occupation. To our regret, the inability of the United Nations Security Council to shoulder its Charter-based responsibility on the Palestinian issue, owing to the abuse of the veto power by some members, has encouraged the Israeli regime to continue its egregious and unlawful policies and practices throughout the Palestinian territories.

We are of the belief that the Palestinian situation is an international issue that requires international attention and response. In fact, hope for conflict resolution and the promotion of peace and tranquillity in the Middle East remains as remote as ever owing to the intransigent behaviour of Israel.

Therefore, and in conclusion, allow me to avail myself of this opportunity to appeal to all Member States of this world Organization to join hands and voices in solidarity with the Palestinian people to regain their homeland and establish a viable and independent State, with Quds Al-Sharif as its capital. The Islamic Republic of Iran is committed to being a serious partner in that solemn undertaking.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): My delegation would like to thank the Committee on the Exercise of the Inalienable Rights of the Palestinian People for the efforts it has exerted to fulfil its mandate. We would also like to commend the

Department of Public Information for its role in cooperating with the Committee and with the Division for Palestinian Rights of the Department of Political Affairs.

Year after year we continue to meet here to deal with one of the oldest issues on the General Assembly's agenda — the "Question of Palestine" — in an effort to support the efforts that are still being exerted to find the means for reaching a solution to that issue in accordance with international law and United Nations resolutions. Despite all attempts to establish a just and comprehensive peace in the region, Israel has continued, through its practices, to create a volatile security situation in the occupied Palestinian territories using flimsy pretexts to implement its expansionist, settler policies. Those actions have led the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in its report (A/58/35), to record its disappointment at the lack of any real improvement in the security situation, mainly owing to the Israeli army's military raids, carried out on a regular basis against the Palestinian people, to its reoccupation of many Palestinian cities and villages, to its imposition of a curfew and to the use of excessive and indiscriminate force — including the use of fissile ammunition that human rights organizations in Israel itself believe should be banned because of the human suffering they cause. Worse than all of this is news of the Israeli army's use of helicopters and fighter jets against Palestinians in attacks that have led to battles between unequally matched forces.

In contrast with this is the Mitchell report, which called for freezing Israeli settlement activity in order to build confidence. Israel continues its expansionist settlement policy by building new settlements and expanding already existing ones, as well as by establishing observation posts and road networks in contradiction to the road map that stipulates the removal of settlement posts set up deep inside Palestinian territory since March 2001. That policy is in clear opposition to United Nations resolutions, including Security Council resolution 446 (1979), which affirms that the settlements have no legal basis.

Within that framework falls the report issued by the Economic and Social Commission for Western Asia that handles the issue of settlements in the occupied Palestinian territories. That report notes that the geographic distribution of the settlements still strongly undermines the growth of Palestinian communities and forms an obstacle to their economic and social development. That report also noted that consecutive Israeli Governments have strongly encouraged immigration from Israel to the settlements by offering privileges and generous financial incentives to settlers, to the point where the annual growth in settlement population has reached 11 or 12 per cent.

What is worth noting here is Israel's insistence on usurping more Palestinian territory, in blatant violation of the Fourth Geneva Convention, in its efforts to build the illegal separation wall which Ms. Catherine Bertini, the Personal Humanitarian Envoy for the Secretary-General, described as a new form of closure. Consequences of that separation wall will cause the already deteriorated conditions in the occupied Palestinian territories to deteriorate further, and will directly affect the lives of more than 200,000 Palestinians living in 67 cities and villages in the West Bank. If that wall — which blocks access to sources of clean water — is not removed, it will lead to the ruin of agricultural land and will damage the flow of goods and social and educational services.

The Committee's report (A/58/35) states that the occupation authorities have issued orders to confiscate land in order to establish a so-called Jerusalem barrier — which will lead to the isolation of 50,000 Palestinians on the Israeli side of the barrier — despite international calls to put an end to the confiscation of land and to settlement activity. In this context, a 2002 report of the Secretary-General (A/57/621) noted a rapid expansion of Israeli settlements in the West Bank, including those around East Jerusalem, calling that a cause for concern. Those settlements have now begun surrounding East Jerusalem and separating it from the rest of the Palestinian territories in the West Bank.

This activity contradicts United Nations resolutions, especially Security Council resolution 467 (1980), which the Council adopted as a measure to stop Israeli parliament legislation proclaiming Jerusalem as Israel's eternal capital. It also contradicts Security Council resolution 478 (1980), adopted 20 August 1980, in which the Council affirmed that all administrative and legislative measures that would change the nature and status of Jerusalem are null and void, especially the basic law pertaining to Jerusalem.

According to previous reports and as affirmed by the Secretary-General's current report of 24 November 2003, the separation wall and the intended course of

action in Jerusalem violate the Green Line. Moreover, seizing Palestinian territory in order to build that wall is based on military orders. The report of the Secretary-General notes that the separation wall will further fragment the West Bank, which is already fragmented by the closures imposed by Israel for the past three years. It will have a negative effect on the recommendations of the road map that call for making gestures of goodwill in order to build confidence on both sides.

The building of the separation wall cannot be justified as a security measure, since the wall itself, as the Secretary-General has noted, violates international law and will only undermine peace by making it more difficult to establish an independent and viable Palestinian State with contiguous territory and will also increase the suffering of the Palestinian people.

Common sense analysis of these Israeli measures and actions leads to the clear and unambiguous conclusion that its practices completely contradict United Nations resolutions and instruments, especially international law, international humanitarian law and the Fourth Geneva Convention.

The Palestinian question is at the core of the Arab-Israeli conflict. Arabs have sought to establish a just and comprehensive peace through the Arab peace initiative that the report of the Secretary-General indicates will remain a fundamental element in all future efforts towards peace.

A solution to the Palestinian issue requires the implementation of Security Council resolutions 242 (1967) and 338 (1973) and compliance with the terms of reference of the Madrid Conference and the land-for-peace principle. It also requires implementation of the road map, as stipulated by Security Council resolution 1397 (2002), as well as by the recently adopted Security Council resolution 1515 (2003), which supported the road map and the establishment of two States living side by side in peace and security. It also requires supporting the efforts of the Quartet; Israeli withdrawal from the occupied Palestinian territories and other occupied Arab territories, in addition to recognizing the inalienable rights of the Palestinian people, at the forefront of which is the right to self-determination; the establishment of an independent Palestinian State with Jerusalem as its capital and a solution to the problem of the Palestinian refugees, according to General Assembly resolution 194 (III) of 11 December 1948.

Mr. Al-Shamsi (United Arab Emirates) (*spoke in Arabic*): I have the honour, on behalf of the United Arab Emirates, to thank Mr. Papa Louis Fall, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the distinguished members of the Committee for their efforts to promote justice for the Palestinian cause, and to uncover the facts about the deplorable Israeli practices that have contributed to the complexity and the continuation of the problem to the present day. On the occasion of the International Day of Solidarity with the Palestinian People, the Government and people of the United Arab Emirates reaffirm their solidarity with the Palestinian people and their support for their just struggle to achieve their legitimate aspiration to establish an independent State, like other peoples in the world.

Despite the great success that the United Nations has achieved over the past five decades in the area of decolonization — granting independence to oppressed people and ensuring their exercise of the right to self-determination — regretfully, we find that the most prominent and most dangerous case of colonization still exists — the Israeli occupation of Palestine — which has had a devastating and dangerous effect on the humanitarian, social, environmental and economic conditions of Palestinians and Arabs, threatening to destroy the security situation in the region and the rest of the world.

Having followed the daily events in the Palestinian territories for the last 55 years, we find there has been a fixed Israeli strategy to obstruct any solution to the Palestinian problem as stated in General Assembly resolution 181 (II) of 1947, which partitioned Palestine into two States, one Israeli and the other Palestinian. That Israeli strategy aims to prevent the establishment of an independent Palestinian State, to perpetuate the state of occupation and the illegal annexation of Palestine by altering its historical, political and demographic characteristics and to continue the aggression against the indigenous Arab population, displacing it into wretched refugee camps, causing a diaspora and stripping them of their legitimate ties to their homeland, Palestine.

Here we have to wonder why the Palestinian people should continue to suffer all these forms of aggression, injustice, oppression and misery and the

violation of their national rights and their basic human rights at the hands of the Israeli occupying forces at a time when lawfulness and legitimacy, globalization, democracy and cooperation have prevailed and solutions have been found for all forms of colonization, racial discrimination and other human misdeeds that had been widespread in the age of lawlessness. Is it reasonable for the international community, represented by the United Nations, to content itself with issuing resolutions and delivering statements condemning and denouncing this extraordinary situation without moving to the stage of taking measures that would compel Israel to stop its aggression and its dangerous policy of illegally confiscating Arab lands and violating their national rights?

The persistence and intransigence of successive Israeli Governments, including the present one, in continuing to adopt policies of colonization, expansionism and illegal settlement-building have resulted in the confiscation of lands and wide-ranging genocidal crimes that have killed hundreds of thousands of innocent Palestinians. According to international law, humanitarian law, human rights laws conventions and protocols, those acts are considered war crimes that cannot be ignored.

The international community's lack of concern and its disregard of those Israeli policies have perpetuated that policy and have deepened the wide-ranging despair, frustration and resistance among the Arab and Palestinian population, intensifying the cycle of violence in the region, especially during the second intifada, when the Israeli authorities committed the most heinous forms of aggression, oppression, collective punishment, shelling, barbaric killing and the use of excessive force against children, women and vulnerable individuals. Israel has done that under the pretence of security in order to justify its ongoing, unacceptable violations of all agreements previously reached between Israeli Governments and the Palestinian Authority and to reoccupy cities and confiscate Palestinian land and natural resources.

In order to create a de facto situation of its illegal expansionist and settlement plans in the Palestinian territories occupied since 1967, the Israeli Government has used the international campaign against terrorism to divert attention from those practices and to justify its continued and repeated aggression and incursions into Palestinian cities, villages and refugee camps and the extrajudicial execution of hundreds of Palestinian citizens who rejected the occupation. It also launched a series of campaigns of utterly false allegations against the Palestinian Authority in order to justify the siege and aggression imposed upon it and its security institutions, aiming to weaken and discredit the Palestinian Authority and to facilitate the construction of what it calls "the separation security wall". It is actually a racist wall that runs deep into the Palestinian territories, including Al-Quds al-Sharif, thus unilaterally defining the borders of the State of Greater Israel in the region and closing the door on any possibility of successfully implementing the road map and on all other chances for a final settlement that would ensure the establishment of an independent Palestinian State with Al-Quds al-Sharif as its capital.

Since it considers the Palestinian question to be at the core of the Arab-Israeli conflict, the United Arab Emirates reiterates its condemnation of the Israeli violations, which are the direct cause of the faltering of the peace process negotiations, which have come to a dead end. It also reaffirms the special responsibility of the United Nations, especially the Security Council and its influential members, as well as the members of the Quartet, in putting an end to the Israeli aggression and in ensuring a final, comprehensive and just solution to this issue, based on international laws and resolutions, in particular Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), as well as the latest Council resolution, 1515 (2003). We welcome resolution 1515 (2003) because of its political support for the road map, which is in conformity with the 2001 Arab peace initiative of Beirut.

My Government also maintains that in order to contain the ongoing violence in the occupied Palestinian and Arab territories and in the region as a whole, it is imperative that the international community refrain from using a policy of double-standards. At the same time, it should take immediate measures to ensure the necessary international protection of the Palestinian people and the release of thousands of Palestinian prisoners and detainees in Israeli prisons and to put an immediate and effective end to Israeli crimes and aggression, ensuring the dismantlement of illegal Israeli settlements and Israel's full and unconditional withdrawal from all Palestinian and Arab territories occupied since 1967, including al-Quds al-Sharif, the Syrian Golan Heights and the Shab'a farms in southern Lebanon.

The international community should also ensure the return of Palestinian refugees to their homes and the establishment of an independent Palestinian State, with al-Quds al-Sharif as its capital, in accordance with international law and the road map, which Israel has been deliberately flouting. Otherwise, our region, strategically important in international and economic relations, will continue to suffer a state of escalating tension and instability, which, in turn, will affect regional and international peace and security.

Mr. Ben Mustapha (Tunisia) (*spoke in Arabic*): It gives me pleasure to express my great appreciation for the attention that the General Assembly has given to the Palestinian cause and to the deteriorating situation in the Middle East in pursuit of consolidating the foundations of peace and stability in the region and in support of Palestinians' and Arabs' right to recover their land and their legitimate rights.

The situation in the Middle East region has reached a critical stage requiring the concerted efforts of the international community and all influential parties in order to stop the cycle of violence and conflict that has befallen the region and to return it to the cycle of negotiations and dialogue. What is required is serious and responsible action aimed at ending the conflict and reaching a just, lasting and comprehensive solution that ensures the liberation of all occupied Arab land and the peaceful coexistence of all peoples of the region.

We believe that the international community must act with determination to implement internationally binding resolutions on the Middle East conflict, in particular Security Council resolutions 1397 (2002) and 1515 (2003). Those two resolutions set forth the clear need to establish a Palestinian State that would coexist side by side with Israel within secure and recognized borders, which is the only means of establishing lasting peace in the region.

Security Council resolution 1515 (2003) reaffirms once again the commitment of the international community to implement the road map as the framework for resolving the Israeli-Palestinian conflict; reiterates that any solution must encompass all aspects of the conflict between Israel and the Arab States; and makes clear the need for both parties, Arabs and Israelis, to comply with the terms of the road map in order to translate into reality the vision of a region where two States live side by side, in conditions of peace and security; to put an end to the whole Arab-Israeli conflict; and to restore conditions for peace and stability in the region.

The establishment of a just, lasting and comprehensive peace requires Israel's complete and unconditional withdrawal from the Syrian Golan and from remaining Lebanese occupied territory, in accordance with the relevant United Nations resolutions. It is also important that the international community learn from the events of the past decade in order to avoid situations that have in the past led to an undermining of the peace process, and that it therefore create conditions that are conducive to future successful negotiations aimed at implementing the provisions of the road map, so as to put an end to the conflict in the region.

We are hopeful that the Quartet will act to ensure implementation of the road map in order to build trust between Israelis and Palestinians and to open the door to the resumption of peace negotiations, in order to restore the legitimate rights of the Palestinians, including primarily the establishment of an independent State, with Jerusalem as its capital. It is undeniable that the policy of fait accompli, as reflected in the expansion of settlement-building and the ongoing construction of the separation wall, undermines the road map and the peace process as a whole. This only heightens the responsibility of the international community to compel Israel to put an end to its repeated aggression against the Palestinian people and its national institutions, to respect international legitimacy and the provisions of international humanitarian law, to abandon its settlement policies and to seriously resume negotiations.

Tunisia believes that, as reflected in the call made by its President, Mr. Zine El Abidine, it is important to ensure international protection for the Palestinian people. That call has won the support of many States, as it is fully consonant with the road map. We believe also that an instrument is required to implement this. We call on the United Nations and its specialized agencies to continue to play their central role by fully supporting the aspirations of the Palestinian people to recover their legitimate rights and by supporting also the new Palestinian Government in promoting its national institutions and meeting the challenges of the next phase.

The establishment of a Palestinian State, the reconstruction of what has been destroyed in the occupied territories and the need to address the humanitarian situation facing the Palestinian people is the shared humanitarian responsibility of the international community, which must provide sufficient emergency assistance to address the economic and social conditions of that people.

Tunisia, which is firmly convinced of the justice of the Palestinian cause and which has supported the Palestinian people throughout their long ordeal has always sought constructively to contribute to any attempt to resolve comprehensively and conclusively this issue, from the Madrid Conference to the Arab Summit held in Beirut in March 2002. The initiatives emanating therefrom prompted more aggression by Israel against the Palestinian people, and it also continued to refuse to comply with the agreements it has signed.

Under the auspices of the President of the Republic, Mr. Zine El Abidine, we have supported all bilateral, regional and international plans to find a just, lasting and comprehensive solution to the problem, so that the Palestinian people can achieve their legitimate rights; in order to create conditions for peace, stability and peaceful coexistence in the region of the Middle East; and to provide opportunities for its peoples to seek development and reconstruction.

In conclusion, I would be remiss if I did not reiterate our Government's appreciation for the ongoing efforts of the United Nations and of all of its bodies, under the direction of the Secretary-General, to reactivate its role in addressing the issue of the Middle East and the Arab-Israeli conflict and in easing the suffering of the brotherly Palestinian people. This will strengthen international efforts to put an end to chronic conflicts and hotbeds of tensions worldwide, in particular in the Middle East, and will renew the spirit of solidarity, tolerance and understanding among the States and peoples of the Middle East on the way to the consolidation of peace and security in the Middle East and throughout the world.

Mr. Kronfol (Lebanon) (*spoke in Arabic*): Fifty-six years have elapsed since the adoption by the General Assembly, at its second session, of resolution 181 (II). That resolution was the very first attempt by the nascent international Organization to put an end to the conflict in Palestine between the indigenous Palestinian Arab population and groups of Zionist settlers, most of whom had come from Europe following the Second World War to establish, under the British mandate, a Jewish national homeland on Palestinian territory.

Resolution 181 (II) called for a solution providing for the partition of Mandate Palestine into two States, one Arab and the other Jewish, with a combined economic federation. Despite the fact that the Palestinian Arabs at the time constituted more than 90 per cent of the population, however, the partition resolution gave half the area of Palestine to the 10 per cent of Jewish settlers, for no apparent reason other than international pressure, which was basically motivated by compassion for the persecution endured by the European Jews at the hands of the Nazis and their allies before and during the Second World War, and the domestic pressure brought to bear on the British forces by Zionist terrorist organizations such as Stern, the Irgun and the Hagganah. Those organizations sought to spread panic among the Palestinian people and to maltreat them in order to force them to leave the country. That period was infamous for the massacres that claimed the lives of thousands of Palestinians in their villages and towns, which caused most of the remaining Palestinians to leave and find refuge in neighbouring States. It also led to the Zionist organizations' seizure of the British army's weapons storehouses and the Palestinians' land and possessions.

Every year since then, the General Assembly has considered the file of the Palestinian question, which has continued to expand and to worsen. The Assembly adopts appropriate resolutions that cannot be implemented, while the Security Council considers the atrocities persistently carried out by Israel against the Palestinian people and also adopts resolutions that cannot be implemented. And since then, Israel has refused to implement any resolution adopted by the Organization that would restore any right or respect for the Palestinians. Israel persists in claiming that those resolutions could not be adopted under the provisions of Chapter VII of the Charter.

Ever since its inception, Israel has pursued an established strategy that has been implemented by successive Governments and military leaders. The most important elements of that policy were and remain the following. The first is to increase the number of Israel's Jewish inhabitants by bringing them from the States of the diaspora, increasing the number of

settlements to accommodate them and confiscating the largest possible amount of land and water from the Palestinians, using the carrot-and-stick approach. The second is to rely on Western nations to provide material and military assistance, as well as compensation for the victims of Nazism, in order to build up Israel's military capacity to oppress the Palestinians and to carry out aggression against the neighbouring Arab States that support them. The third element is to prevent the Palestinians from returning to their homeland and from pursuing their livelihoods or to force them out of the country, and to prevent the establishment of a Palestinian State in any way possible. The fourth is to accuse anyone who does not go along with those Israeli policies of being anti-Semitic or of colluding with terrorism, thereby slandering such parties.

All Israeli Governments have pursued that expansionist policy of aggression, although some have used the methods of prevarication and procrastination, while successive military commands have continued to serve as an instrument to implement the policy by practising daily violence and coercion against Palestinians. Thus, in the occupied Palestinian territories and the neighbouring Arab States that have received Palestinian refugees, those Israeli Governments have launched campaigns no less atrocious than the practices of war criminals. Israel continues to occupy Palestinian territories and is attempting to annex Al-Quds, the Syrian Golan and those parts of southern Lebanon that remain under occupation, including the Sheba'a farms.

The question of Palestine remains unresolved, as though it were an insurmountable obstacle. One of its ramifications has been the question of the Arab-Israeli conflict and the Israeli occupation of Arab territories; other ramifications have included the question of the Middle East, including regional peace and regional threats.

During the 56 years that have elapsed since Israel's inception, it has been proved to the whole world that there is a Palestinian people — a people wedded to its land, its culture and its humanity — that stands brave and steadfast in the face of the Israeli army of occupation and the tyranny that groups from the countries of the diaspora — which have nothing to do with their land or its history and are alien to the region and its courageous, defiant peoples — are trying to impose upon that people.

It is regrettable that the international community, because of its great commitment to peaceful solutions, has contributed to the failure to stand up to Israel's oppressive military might. It has also contributed to the emergence of the pariah State of Israel, which has persisted in its refusal to comply with United Nations resolutions or to respect its international commitments and has continued to pursue policies of embezzlement and terrorism.

The most obvious evidence of that can be found in the hundreds of resolutions rejected by Israel, which, when the international community adopts them, accuses it of siding with the Palestinians and against Israel because Israel is a Jewish State, as if it wanted the world to forget that it is also an occupying Power that colonizes the territories of others. Further glaring and repeated evidence can be found in Israel's rejection of the Organization's resolutions, from General Assembly resolution 194 (III), which provided for the return of refugees to their homeland, to Security Council resolution 1397 (2002), which called once again for the establishment of a Palestinian State to live side by side in peace with the State of Israel, to this year's General Assembly resolution (ES-10/13) calling upon Israel to halt its construction of the racist separation wall to the Security Council resolution (1515 (2003)) that adopted the road map.

Today, as far as we know, Israel rejected the Geneva document — although both the road map and that document do not provide for the minimum of Palestinian rights, but are simply a starting point for negotiations. Everyone knows full well that Israel has rejected numerous offers of peace, including the unparalleled Arab peace initiative adopted by the Beirut Summit in 2002.

Today, more than ever before, it is the Israeli Government that is the outlaw and the pariah in the international community, and not the Palestinians, who are seeking — with the lives of their most beloved sons — to establish their State on their national territory, with Al-Quds as its capital, in accordance with the borders of 4 June 1967. Israel is the cause of the woes and wars that have afflicted the region and not the Palestinians. It is Israel that threatens international peace and security by refusing the rules of peaceful coexistence among the peoples of the region. Israel will not earn the respect of the peoples of the world and will remain heinously guilty — in spite of their public relations and propaganda campaigns,

which even simpletons no longer believe — until it accepts the establishment of a Palestinian State on the basis of Security Council resolutions 242 (1967) and 338 (1973), the Madrid Conference and the land-for-peace principle, and unless Israel respects the rights of the Palestinian people in full, including its right to life and to establish its State on its national territory. Otherwise, Israel will forever remain an oppressor State that occupies the lands of others and kills their people.

That, in a nutshell, is the continuing tragedy of the Palestinian question — the question of a people with right on its side in the face of an occupying and colonizing Power. It is inevitable that the people of Palestine will defeat Israeli colonialism and occupation, regardless of the sacrifice. The international community will stand by the people of Palestine until they are liberated from the power of occupation and their sons are returned to their homeland. We should all adhere to this just position until the end of the Israeli colonization and occupation of the Arab territories and the establishment of a just and comprehensive peace in the region.

Mr. Rastam (Malaysia): On this day when we are commemorating the International Day of Solidarity with the Palestinian People at the United Nations, my delegation would like first of all to reaffirm the continued and unequivocal support of the Government and people of Malaysia for the leadership and people of Palestine and our solidarity with them in their brave struggle to assert their inalienable rights. We remain committed to assisting President Yasser Arafat, as well as Prime Minister Ahmad Qurei and his cabinet, in their efforts to achieve peace and to create a State of Palestine.

My delegation welcomes this debate on agenda item 38 on the "Question of Palestine" in conjunction with the observance of the International Day of Solidarity with the Palestinian People, which is of great significance to the Palestinian people and their legitimate cause. However, we find it highly regrettable that the debate today is taking place amidst the incessant, bloody military operations carried out by Israel against innocent Palestinians, which have continued unabated for the past three years. The Israeli campaign has resulted in horrific human and material losses, caused untold misery and destruction and created a humanitarian emergency of an unprecedented scale in the occupied Palestinian territory. Those are among the conclusions of the Committee on the Exercise of the Inalienable Rights of the Palestinian People in its report (A/58/35).

Malaysia is deeply concerned that the situation in the occupied Palestinian territory, including Al-Quds al-Sharif, remains very grave and volatile. The Palestinian population continues to suffer from the reprehensible, oppressive and inhumane policies and practices of the occupying Power. We have yet to witness any real easing of the tension, despite the efforts of the Quartet and the international community to put the peace process back on track, particularly through the implementation of the road map. Instead, we are witnessing the intensification of Israeli military operations, resulting in further killing and greater injuries to innocent Palestinian civilians. Illegal Israeli settlement activities have also been on the increase. All of those actions deserve the strongest condemnation. Israel must put a halt to them without further delay and demonstrate to the international community that it is genuinely committed to a peaceful solution rather than a military one.

Malaysia reiterates that Israel must not be allowed to employ the issues of security and the protection of its citizens against terrorism as either a pretext or a justification for their oppressive and violent measures against the Palestinian people. Since September 2000, some 2,947 Palestinians and 862 Israelis have been killed. Most tragically, more than 590 Palestinian and 100 Israeli children have been killed during that period. The disproportionate number of deaths on one side speaks for itself. Excessive use of force by Israel has generated violent retaliatory acts, including suicide bombings, by Palestinians.

Violence inflicted upon innocent civilians, both Palestinian and Israeli, deserves equal condemnation. But such violence is surely owing to Israel's continued illegal occupation of Palestinian territories, as well as the provocative and oppressive policies and practices pursued by successive Israelis Governments for the past 36 years. Therefore, it is incumbent upon Israel to realize that in order to achieve peace, faithful acceptance and implementation of the road map leading to a permanent two-State solution is crucial. That is the key to peace and security for both parties. We hope that resolution 1515 (2003), adopted by the Security Council on 19 November 2003, will encourage both sides to resume the peace process in

good faith and lead to the implementation of the road map in earnest and without further delay.

I am pleased to inform the General Assembly that the Minister for Foreign Affairs of Malaysia, in his capacity as Chairman of the Ministerial Meeting of the Non-Aligned Movement (NAM), issued a statement in Putrajaya, Malaysia, on 20 November 2003. In that statement, he welcomed, on NAM's behalf, the unanimous adoption of Security Council resolution 1515 (2003), which endorses the Quartet's Performance-Based Road Map to a Permanent Two-State Solution to the Israeli-Palestinian Conflict and calls on the parties to fulfil their obligations. I have requested that the Minister's statement be circulated as a document of the General Assembly and the Security Council.

Malaysia shares the concern of the Committee that, while the Palestinian Authority has accepted the road map without reservations, the Government of Israel has not fully endorsed it. By putting forward a series of conditions for its acceptance, Israel is in fact threatening to render the peace plan ineffective. The inexcusable failure on the part of Israel to implement its road map obligations has not only led to the resignation of former Prime Minister Mahmoud Abbas and his cabinet but has caused an ensuing escalation of acts of retaliation by Palestinians. Malaysia urges both sides to comply with their road map obligations and urgently implement them fully and faithfully.

Malaysia has made clear our condemnation of violence and terrorism. We reiterate that the killing of innocent civilians in this conflict is unacceptable, be they Israelis or Palestinians. But we are outraged at the intensification of Israeli occupation, wilful killing of civilians, extrajudicial executions, destruction of homes, farmland and other property, economic strangulation, collective punishment and other practices committed deliberately and systematically against the Palestinian population. We are equally outraged at the continuation of the settlement activities on Palestinian land and, especially now, the illegal construction of the expansionist separation wall by Israel in the occupied West Bank and in areas close to East Jerusalem. Construction of this wall is proceeding in total disregard for resolution ES-10/13 adopted by the General Assembly at its tenth emergency special session, on 27 October this year.

The construction of the wall deep into occupied territory is clearly in violation of the Fourth Geneva Convention. This structure, coupled with the continued construction of illegal settlements and roads and bridges in the occupied Palestinian territory, have already dramatically changed the status quo and adversely affected the implementation of the road map. In the longer term, this could prejudice the outcome of future permanent status negotiations and inhibit the establishment of a contiguous Palestinian State. We find this most unacceptable and look forward to the further consideration of this issue at the resumed tenth emergency special session of the General Assembly, which should consider the report of the Secretary-General of 24 October 2003 (A/58/416).

Another extremely disturbing development concerns the activities of Israeli settlers in the occupied Palestinian territory. According to figures released by the Interior Ministry of Israel itself, as of July 2003, there were 231,443 illegal Israeli settlers — of which 5,415 were newcomers — settled in the occupied Palestinian territory since January 2003. Alarmingly, some 10,000 weapons of various types, including heavy arms, machine guns and mortars, are in the hands of the settlers, some of which were reportedly provided by the Israeli army.

Recent reports indicate that attacks by the settlers on Palestinians have become increasingly aggressive and violent, leading to further deaths and injuries. Much of this, unfortunately, is not highlighted in the media. Palestinian farmers, merchants, schoolchildren and clerics, as well as civilian properties, have apparently become the favoured targets. These attacks, including some by a new underground vigilante settler network, are obviously intended to intimidate, deter or punish the Palestinians. We strongly believe that it is incumbent upon the Government of Israel to put a complete stop to these acts by its citizens. Israel simply cannot speak of the acts of violence and terror committed by the Palestinians and ignore violence committed by its citizens against the Palestinians.

My delegation notes with grave concern that an estimated 6,500 Palestinian prisoners are being kept in Israeli detention facilities and that 687 Palestinians are being held under administrative detention by the Israeli army. This question requires the most urgent and serious attention of the Government of Israel. What is more disquieting for Malaysia is the fact that 350 of those prisoners are children, out of whom 9 per cent —

32 children — are aged between 13 and 14. It has been reported that although they are minors, these children have been treated as adult prisoners and subjected to various kinds of mistreatment and torture. Malaysia concurs with the Committee's assertion that the resolution of the question of Palestinian prisoners would be a major step towards building confidence on both sides, with a view to promoting mutual confidence and trust in the long term in order to sustain durable peace between the two sides.

Malaysia continues to support and encourage every international effort aimed at achieving a just, comprehensive and lasting solution to the conflict based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), as well as relevant resolutions of the General Assembly. We believe that the international community has a compelling responsibility to intensify its efforts to find a peaceful and durable solution to the conflict. In this connection, Malaysia reiterates its support for the important efforts of the Quartet and of other interested parties, including the Secretary-General of the United Nations, and looks forward to fresh and bold initiatives aimed at resuming the peace process.

Malaysia highly commends the valuable work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and of the Secretary-General. We hope that they will continue to pursue their tasks and mandates until peace is achieved and a State of Palestine is created. Malaysia also hopes that the days ahead will soon reveal some positive developments toward ending the current deadlock in the peace process.

The General Assembly is the last bastion of hope for the Palestinian people. The Assembly must uphold the rule of law and the purposes and principles of the Charter. In this connection, Malaysia is pleased to join other delegations in sponsoring the four draft resolutions initiated by the Committee on the Exercise of the Inalienable Rights of the Palestinian People that have been presented for consideration by the Assembly under this agenda item.

In conclusion, may I say that Malaysia awaits the day when the delegation of Palestine sits among us in this General Assembly Hall, seated not at the side gallery, as an observer, but seated appropriately as a full Member State of the United Nations. We look forward to the day when the international community joins with the Palestinians in celebrating the joy of their independence and statehood. May that day come to us in the immediate future as envisaged in the road map and the relevant General Assembly and Security Council resolutions.

Mr. Chowdhury (Bangladesh): Today the global community observes, with due solemnity, the International Day of Solidarity with the Palestinian People. It is an occasion that calls for deep reflection and for thoughts on what the world can do to put an end to the bloodshed and to also create a structure of peace in that land whose people have known so much pain for so long.

We praise the leadership of Ambassador Papa Louis Fall and the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. We also thank the Secretary-General for his report (A/58/416) and for his relentless endeavours in the cause of peace.

On this day the people of Bangladesh reaffirm their firm solidarity with the people of Palestine in their just and legitimate struggle for an independent and sovereign State with Al-Quds al-Sharif as its capital.

The past year has witnessed a rapid deterioration of the situation in the occupied Palestinian territories. It has also seen the continued violation of fundamental human rights by the occupation forces. Despite occasional glimmers of hope, the peace process remains stalled. The problem is compounded by the ongoing construction of the so-called "security wall" by Israel, which seriously undermines international efforts for a peaceful resolution of the conflict. The illegal settlements continue to be an impediment to peace. The international community needs to act in unison, with renewed vigour and with greater resolve towards a just and lasting peace in the Middle East.

Bangladesh remains convinced that comprehensive peace in the Middle East can only be guaranteed through the full and unconditional implementation of all relevant United Nations resolutions. For its part, Bangladesh, as always, remains unflinchingly committed to all efforts that aim at achieving genuine peace in that region. The revival of the peace process will require courage, commitment and dedication from the concerned parties. It will require that violence of all kinds be renounced by all

sides. We have every confidence that the leadership of those involved is capable of displaying those qualities.

The safety and security of President Yasser Arafat is of paramount importance and must be guaranteed as a sine qua non for progress towards peace. We cannot believe that a yearning for peace is not at the heart of every person in that region, man or woman, Palestinian or Israeli.

As we observe the holy feasts of the three great faiths that emanated from that land — Islam, Judaism and Christianity, we urge that their adherents follow their messages of peace, tolerance and harmony — values that are ingrained in the traditions to which all three faiths are heir.

Mr. Mathrani (India): As we honour the International Day of Solidarity with the Palestinian People, we would like to reiterate our traditional solidarity with the people of Palestine and express India's principled and continuing support for their inalienable rights. India's bond of friendship with the Palestinian people is resolute and unchangeable and based on a rich and diverse interaction spanning decades.

The situation regarding the question of Palestine continues to remain a matter of abiding and profound concern for us and the international community. Earlier this year, there was a possibility of a turning point with the launching of the road map. The agreement signed in June 2003 between the Government of Israel and the Palestinian National Authority on the withdrawal of Israeli forces from parts of the Gaza strip and Bethlehem and the declaration of a ceasefire by various Palestinian groups, raised expectations in that directio However, the renewed upsurge of violence since August 2003 has derailed the process and the implementation of the road map has thus been frozen. Some actions have actually reversed the political process.

We have had occasion to express our views in detail in the Security Council in September this year and later on the occasion of the tenth emergency special session of the General Assembly in October. We shall therefore confine ourselves today to adding to our previous remarks.

We continue to be deeply dismayed and gravely concerned by the spiral of violence, revenge and escalation of tensions witnessed in the region. The number of casualties speaks for itself. Since September 2000, more than 2,800 Palestinians and more than 800 Israelis have been killed and thousands have been injured. Behind each and every one of these numbers are stories of human loss and suffering.

Some of the recent actions by the Government of Israel — including military strikes using disproportionate force, targeted assassinations, the construction of a separation wall, demolition of homes and the expansion of settlements — have been particularly responsible for the grave situation. Further, bombs have been set off in cafes and restaurants and attacks have been carried out against schools and public transport, including buses, creating a climate of fear and constant watchfulness. The result is a peace process in shambles.

India strongly condemns all acts of terrorism and violence and reiterates its position that there can be no justification whatsoever for attacks against unarmed civilians, including women and children. Only an immediate and complete cessation of violence, including all acts of terrorism, provocation, incitement and destruction, can provide the environment conducive to continuation of a dialogue.

These setbacks in the quest for peace are not without their deleterious effect on the humanitarian conditions in the occupied territories. According to a World Bank report, published in May 2003, 92,000 Palestinians have lost their jobs in Israel and the Israeli settlements, while another 105,000 jobs have been lost in the occupied Palestinian territories. The real per capita income fell by 46 per cent and total investment declined by approximately 90 per cent during the same period. As a result, 60 per cent of the Palestinian population is living below the poverty line.

It is unfortunate that the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has become a victim or target of the continuing hostilities. Six UNRWA staff members were killed during the past year. The environment in which the Agency has to carry out its operations continues to negatively affect its ability to deliver services. Closures and blockades need to be lifted, in order to allow unhindered access for humanitarian supplies, and finances need to be released to the Palestinian Authority in order to alleviate the grave situation and avert further crises.

Continued Israeli occupation of Palestinian lands, including the construction of a wall, serve to further exacerbate an already aggravated situation. The erection of the wall is a unilateral act not in keeping with the road map. Its building would involve the separation of Palestinians from their lands and from each other. Such action cannot be justified and must be halted. More importantly, Israel's insistence in continuing with its construction would be widely interpreted as an attempt to predetermine the outcome of any final status negotiations between Israel and the Palestinian Authority on the basis of the principle of land for peace, as called for by relevant Security Council resolutions.

India is convinced that the key to achieving a lasting, just and peaceful settlement of the conflict and a comprehensive peace in the region lies in speedy implementation in good faith by all sides of the Quartet's road map, which contains clear timelines for the establishment of an independent and viable Palestinian State, living side by side with Israel within secure and recognized borders. We welcome the recent adoption of Security Council resolution 1515 (2003), which contains a reiteration of those principles. We are also encouraged to read reports that renewed peace negotiations may be possible. With the requisite will and determination and strong commitment to establishing durable peace, we hope that diplomacy and statesmanship shall prevail.

Mr. Atta (Egypt) (*spoke in Arabic*): The previous year saw numerous developments concerning the Palestinian question. These ranged from continued violence and counter-violence — characteristic of Israeli-Palestinian relations since that unfortunate day at the end of September 2000 — to moments of hope born out of an earnest and sincere effort to implement the vision of Security Council resolution 1397 (2002) of two States, Israel and Palestine, living side by side within secure and recognized borders in the historic land of Palestine. The launching of the road map, as an agreed international approach aimed at achieving the desired settlement, also constituted a focal point that commanded universal support. It brought hope for overcoming the tragic situation faced by the people of Palestine as a result of the continued Israeli occupation of its land and also for overcoming the complicated conditions prevailing in Israel as a result of its continued adherence to occupation policies and its rejected practices.

Egypt has exerted and continues to exert relentless efforts, seeking to create a favourable climate for the emergence of a new and changing situation that would pave the way for earnest and sincere negotiations. These negotiations would be aimed at achieving all the components and phases of the road map for the establishment of two neighbouring States. Unfortunately, and as we have said before, there were moments of hope and others fraught with violence and confrontation. Faced with this sad situation, everyone, foremost among them the Government of Israel, discovered that there can be no tranquillity or stability unless it is through a commitment to the faithful implementation of the road map and a peaceful political settlement of this conflict. This problem has festered for too long and its elements have simultaneously revealed the impossibility of either side imposing its vision through the use of force.

Egypt believes that the Israeli-Palestinian settlement should be based on the following specific elements: first, the establishment of an independent Palestinian State on all Palestinian territories occupied since the war of 1967, including East Jerusalem; secondly, ensuring security for the two States and the two peoples, the Palestinians and the Israelis, through agreed upon measures that command the consent of both parties, without being imposed by or reflecting the will of the occupation and invasion Power. These elements and the principles and frameworks included in the road map require, for their implementation, the commitment of all parties — not only seeking a favourable climate for it but also doing the earnest work to implement it.

There is no doubt that Israel is behind threats regarding the achievement of a settlement. It is determined to continue its policy of building settlements as well as to manipulate what is legitimate or illegitimate. We all believe and the entire international community affirms the illegitimacy of the settlements, which must be denounced along with the continued building of the wall of separation, which, despite all claims and allegations to the contrary, is aimed at the usurpation of Palestinian territories and undoubtedly has a devastating effect on the desired peace settlement.

We are today more confident than ever that one of the most necessary priorities must be the rebuilding of confidence between the two parties in order to pave the way for the creation of a favourable climate for moving

towards a settlement. Therefore, halting the settlements, stopping the construction of the wall, improving the living conditions of the Palestinian people and putting an end to the acts of violence and the use of force are all necessary elements that will enable the international community to buckle down and establish a mechanism for the implementation of the road map through serious negotiations. In this regard, we welcome the adoption by the Security Council of resolution 1515 (2003), and we hope it will be promptly implemented and enjoy universal compliance.

Mr. Kittikhoun (Lao People's Democratic Republic): First of all, on behalf of the delegation of the Lao People's Democratic Republic, I would like to express my profound sympathy to the families of those who have lost their lives during the latest violence. At the same time, we would like to convey our deep appreciation to the Committee on the Exercise of the Inalienable Rights of the Palestinian People and to all those who have spent so much time and energy in resolving this serious problem in the Middle East.

With regard to the situation in the occupied Palestinian territory, including East Jerusalem, we would like to reiterate our grave concern about the ongoing violence and disproportionate use of force that has brought about great loss of lives, materials and destruction on an unprecedented scale. We urge the parties concerned to stop the violence and all acts that may increase the tension. Both sides need to exercise maximum restraint, persevere in and speed up negotiations on the road towards a just and comprehensive peace in the Middle East, based on the Quartet's road map and the implementation of Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and, of course, the principle of land for peace.

As time passes, the question of Palestine has become more complex and the peace process is now in grave danger. In our view, the best way to end the violence before it spreads even further is to help the interested parties move towards a final peaceful agreement. In this regard, we renew our call to the international community, especially the Quartet, to continue making political and diplomatic efforts that would support and promote negotiations between Israel and Palestine with the aim of finding a final peaceful settlement to the ongoing conflict.

The Lao People's Democratic Republic reaffirms its consistent support to the Palestinian people under the leadership of Chairman Yasser Arafat in their struggle to exercise their inalienable rights to self-determination, including the right to create a Palestinian sovereign State, living side by side and in peace with other countries in the region.

We believe that dialogue — rather than confrontation — will bring peace and security and that the question of Palestine can only be resolved by peaceful means, in accordance with the principles of international law and the Charter of the United Nations.

The President: We have heard the last speaker in the debate on agenda item 38 for this meeting.

Before adjourning the meeting, I should like to inform members that document A/INF/58/4/Rev.2, containing a revised programme of work and schedule of plenary meetings for the main part of the fifty-eight session, was issued this morning and has been circulated in the General Assembly Hall.

I should like also to remind members that the list of speakers for items listed in document A/INF/58/4/Rev.2 is open.

The meeting rose at 6 p.m.

United Nations A/58/PV.66

General Assembly

Fifty-eighth session

Official Records

66th plenary meeting
Tuesday, 2 December 2003, 10 a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 10.05 a.m.

Agenda item 38 (*continued*)

Question of Palestine

Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/58/35)

Report of the Secretary-General (A/58/416)

Draft resolutions (A/58/L.23, A/58/L.24, A/58/L.25 and A/58/L.26/Rev.1)

Mr. Shobokshi (Saudi Arabia) (*spoke in Arabic*): First of all, I would like to express my thanks and appreciation to Ambassador Papa Louis Fall, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and to the members of that Committee for the important report before us, which has shown the truth of the tragic situation in the occupied Palestinian territories. It has confirmed the Israeli Government's disregard for peace initiatives and its continued rejection of any Palestinian efforts for reaching a political settlement: "Efforts by Palestinian organizations to achieve a truce were not reciprocated by Israel" (A/58/35, para. 17). Every time the Palestinians offered Israel a truce, the Israeli Government would rush to find some way to provoke them into a new series of actions and inevitable and bloody reactions, such as by the assassination of a prominent Palestinian activist.

Israel realizes that with this approach, it is destroying any possible calm and is wasting any chance of progress towards peace. The Government of Israel has adopted a policy of rejection of any Palestinian, regional or international initiative. It relies on a policy of fait accompli and practices State terrorism in all its forms. It creates one crisis after another in a blatant violation of all internationally agreed upon resolutions with its excessive and unjustified use of military force. This use of force stems from Israel's mistaken belief that its military might can silence Arab demands and prevent Arab and international peace efforts from reaching a just and comprehensive solution for the Palestinian problem and from achieving an Israeli withdrawal from the occupied Arab territories.

If the Israeli Government thinks that it has caused frustration and despair among Palestinians, then it undoubtedly realizes that it has at the same time created its own fear of the Palestinian people, who have lost everything, even their hope for a good and dignified life and for living in freedom, peace and security. History warns us of the end results of frustration, despair and loss of hope. This gives the international community a political responsibility and a moral commitment to make Israel comply with internationally agreed resolutions.

Israel insists on continuing its aggression against the Palestinian people and its prolonged occupation of Arab territories, without any consideration for political or legal questions or any moral or human values. This confirms the Israeli Government's intention and its determination to sabotage any serious attempt to reach

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

03-63585 (E)

a just and comprehensive peaceful solution that would guarantee security, uproot hatred from both sides and spare the region more pain and bloodshed.

Israel claims that it is building its racist wall to protect the Israelis inside, including the settlements, from attacks by Palestinians who seek to liberate their land. However, in truth, there are other motivations for the construction of this wall, including the seizure of the western water reservoir that is located under the ground of the villages that have been separated from their land. This also divides the West Bank territory. The Israeli settlements have dissected the Palestinian territories and now the racist wall has created a more difficult situation on the ground in terms of people's lives and in terms of reaching a peaceful settlement. The Government of Israel, by building this racist wall, seeks to impose a new reality that would dismember what remains of the West Bank territories and would make it impossible to establish a viable Palestinian State. Israel thus seeks to transform the project of a Palestinian State into besieged cantons and isolated enclaves, with entry and exit gates under Israeli control.

The vicious cycle of violence in the Palestinian and occupied Arab territories has further escalated, constituting cause for great concern and requiring an immediate and urgent solution for putting an end to this bloody cycle of violence and dangerous escalation.

The international community cannot just stand idly by and wait for a miracle to establish peace and security. It must find a solution to this prolonged conflict and the wars that have destroyed many young men and resources in the region.

Global events have proved the comprehensive and international nature of threats to international peace and security. This requires following a preventive and protective approach to combat these threats, based on the concept that security is a comprehensive and indivisible whole. Commitment to security must be collective and international. Therefore, international priorities require the international community to stand together, pool their efforts and form a single front to firmly confront any dangers that threaten humanity. This commitment will have no credibility if the Palestinian cause is not seriously and justly dealt with and the problem solved in order to restore rights to the Palestinians and to establish peace and security for all the countries in the region.

Saudi Arabia has spared no effort to reach a just and comprehensive solution for the Palestinian cause and has not hesitated in making political initiatives that aim at the establishment of peace, security and stability in the region. Saudi Arabia thus calls on the international community, especially the Quartet countries, to urge Israel to involve itself seriously, responsibly and with no manoeuvring in the implementation of the road map, which paves the way for a lasting and comprehensive solution, based on the establishment of a Palestinian State alongside Israel by 2005. Terminating the cycle of violence has become a collective responsibility that requires us to implement internationally agreed upon resolutions, return to the negotiations table, establish the land-for-peace principle and ensure a withdrawal of Israeli forces from all Palestinian territories, the Syrian Golan Heights and southern Lebanon. This also requires the recognition of the Palestinian people's legitimate rights, including their right to establish their independent State, with Jerusalem as its capital. This request is no longer simply an Arab or Palestinian one; rather, it is an international request that is put forth by moderates and peace-loving forces around the world. This includes forces inside Israel itself, since the policies of the current Israeli Government have proven that security and peace can never be achieved through oppression, occupation and violence.

Mr. Alsaidi (Yemen) (*spoke in Arabic*): Once again, as has been the case during dozens of sessions of the General Assembly, we are faced with the intractable question of Palestine. Over five decades that issue has witnessed scores of resolutions by this Organization, together with several attempts to resolve it. Those attempts were to no avail, as they did not produce the solution that the Palestinian people are patiently and determinedly awaiting.

The Palestinian question has been before the United Nations since its early years and has become a litmus test of its efficiency and of the international will and the credibility of the international system. The question of Palestine has preoccupied the world's conscience for all these decades. However, the persistent lack of a solution demonstrates the gap between the noble values of all human beings regardless of race or religion and the actual approach of influential Powers to international relations. It is

clear that those Powers pay Palestinian rights only as much attention as is commensurate with their own immediate interests and internal policies, since we have unfortunately seen that attention decreases and lessens in importance in relation to those selfish interests alone. Every time the General Assembly begins to consider that chronic item on its agenda, we find ourselves before another cumulative, painful and desperate reality. So, what is new this year?

The tragic situation in the occupied Palestinian territories repeats what humanity has gone through under the colonialism that was imposed by brute force on many other peoples. Under the Israeli settler colonialism of today, the Palestinian people are subjected to conditions reminiscent of the abhorrent colonialist era. Both the report of the Secretary-General (A/58/416) and the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/58/35) demonstrate the daily tragedy that the Palestinians have suffered for decades. The fact that it is the Palestinians who are burning in the fires of this settler colonialism each day is testimony to the fact that the logic of power still supersedes the power of logic in international relations.

International relations over the past few years have experienced great changes that reflected deeply on the United Nations, the latest of which was the war against Iraq. Member States have called for commitment to the work of multilateral international organizations based by necessity on collectivity and respect for the opinion of the majority. Emphasis has been put on introducing necessary reforms to United Nations bodies, especially the Security Council, in a manner that would embody that vision. However, we believe that will be possible only if there is a collective will to abandon selectivity and double standards in the imposition and implementation of United Nations resolutions, in particular the resolutions on the right of the Palestinian people to self-determination and the establishment of their own State on their national soil.

The movement towards freedom and the elimination of colonialism have not yet reached Palestine, due to Israeli propaganda that makes others believe that its policy of aggression towards its neighbours and its occupation of the West Bank, the Gaza Strip, the Syrian Arab Golan and Lebanese territories are but a necessity imposed by the requirements of self-defence and survival. Now, after various concessions have been made by the Arab side, and in light of the international consensus on the implementation of the road map as a practical option to reach a peaceful solution to the Palestinian question, the Government of Israel had to pretend to accept the solution included in the road map. However, at the same time Israel is prevaricating in an attempt to circumvent a peaceful solution by putting forward reservations that would practically lead to certain failure.

A quick overview of Israeli practices in the occupied Palestinian territories make it amply clear that Israel has been seeking since its inception to further expand its territories through aggression and confiscation of more Palestinian land, hence controlling the destiny of Palestinians in one way or another.

In spite of the recent claims by the Government of Ariel Sharon to accept the eventual establishment of the State of Palestine, Israel, in clear defiance of the latest General Assembly resolution, is feverishly building an expansionist wall that would only lead to the annexation of more Palestinian land and the dismantling of the Palestinian entity. This is in addition to its feverish efforts to expand existing Israeli settlements and build new ones, actions that would make peace impossible, as mentioned in the report of the Secretary-General (A/ES-10/248), and totally undermine long-term peace prospects by making it impossible to establish a viable independent Palestinian State.

In all of this, Israel relies on its historic experience with the United Nations and its confidence that the international community will fail to deter it. At the same time, while the Israeli Government is confiscating more Palestinian land, its Prime Minister expects others to be so naïve as to believe that Israel is willing to make painful concessions by withdrawing from some territories in return for peace. We wonder how anyone in this day and age would accept such twisted logic. What is worse is how we can possibly be asked to accept such twisted logic.

For over a half century the question of Palestine has been linked to the interests of different parties both within and outside the region and that makes it imperative for all the parties concerned to take part in any final settlement of the question. The essence of the question is the occupation of the territories of others by force, which is contrary to the principles and objectives

of this Organization. Therefore, the Republic of Yemen would like to reiterate the necessity for the United Nations to continue shouldering its responsibility by supporting the Palestinian people and by playing a major role in the Quartet's efforts to implement the road map, as proposed to both the Palestinian and Israeli parties.

Furthermore, the Republic of Yemen would also like to reassert the absolutely necessity of expediting the establishment of a monitoring mechanism for the road map that can verify its implementation.

Mr. Jenie (Indonesia): Let me first thank the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Secretary-General for their reports, which update us on the efforts and measures taken over the past year by Israel and Palestine — with the active assistance of the international community — in pursuit of peace.

Israel's rejection of the resolution on this subject was followed by its unfortunate choice to continue its illegal and dangerous activities in the occupied Palestinian territory, including East Jerusalem. My delegation has and will continue to condemn that attitude in the strongest possible terms.

Following presentation of the road map to the parties on 30 April 2003, and the hopes that its structured implementation and meaningful negotiations would lead to peace, there has been a steady deterioration in the situation on the ground. We are concerned that the renewed cycle of violence this year, as the report states, has signalled the breakdown of the ceasefire and a reversal of our hopes for immediate progress. As a matter of fact, the implementation of the road map has hit a major roadblock.

In our view, this opportunity should not be permitted to go the way of previous efforts at resolving the conflict. To the best of our knowledge, none of the parties doubts that as a political plan, the road map is as good as any. Because of its performance-based and goal-driven structure, my delegation has supported the road map since it was given to the parties last year and we continue to believe in it and to support it.

In that connection, a heartening development occurred recently — amid the present uncertainty of the peace process — when the Security Council unanimously endorsed the road map and thereby demonstrated the consistent support of the international community for the process. The resolution keeps alive the hope of a two-State solution and forestalls any attempt to belittle it or express reservations about it.

In our view, both Israel and Palestine have a better chance of achieving sustainable peace through the faithful implementation of the road map than working without it. It is of great significance that there has been wide support for it within the international community, which has helped tremendously to ensure its success so far. It is vital for the future success of the process that the international community be able to monitor implementation of the road map and it is now necessary to establish a credible monitoring mechanism for that purpose.

Whereas the United Nations shoulders the full responsibility for the question of Palestine until it is resolved, we also recognize and reaffirm the importance of its work through such bodies as the Committee on the Exercise of the Inalienable Rights of the Palestinian People towards the achievement of a just and lasting peace.

We call on the international community to continue to support the peace process so as to ensure the attainment of the two-State solution — Palestine and Israel, living side by side within secure and internationally recognized borders, as spelled out in Security Council resolution 1397 (2002) — within the established time frame. However, both parties must recognize their responsibilities in order for that to happen, which will include making the tough decisions that are necessary.

One of the most important aspects of the road map is that its provisions rest on a structure of parallel and reciprocal — not sequential — actions. That is one of its strong points, because it enables the process to move forward as each party fulfils a phased objective side by side with the other. It should work especially well if the violence can be kept under control.

Therefore, we caution Israel that the path to a solution to the situation in Palestine is to be found on the road map, and not in its military superiority. Only by working through the plan that has the support of the international community can Israel rightfully claim to be committed to the cause of peace.

Finally, let us be clear about one thing: illegal Israeli actions in the occupied territories can neither help the cause of peace nor can Israel reasonably

expect them to be allowed to stand unchallenged. General Assembly resolutions 57/111 and 57/112, of 3 December 2002, were both born out of the necessity to ensure that the peace process stayed within the limits of established agreements and provided a comprehensive solution that included the occupied Golan and southern Lebanon. There is nothing biased or strange about that, as Israel has claimed, and those elements have not changed either since the resolutions were adopted or since Israel has sought to dismiss them.

Mr. Gillerman (Israel): The Arabic philosopher of the ninth century, Al-Kindy, imparted universal and timeless wisdom in these words:

> "We should not shy away from welcoming and acquiring the truth regardless of where it came from, even if it came from distant races and nations that are different from us. Nothing is more important than seeking the truth except the truth itself."

The truth today is brought to us in the form of a question: the "Question of Palestine". Why is a State for the Palestinian people not yet a reality? Why do thousands of Israelis and Palestinians lie underground in early graves and on hospital beds with missing limbs and broken dreams?

Israel approaches that question as a State that supports the aspirations of the Palestinian people to self-determination, a State that is ready to work to realize the vision of a Palestinian State living side by side with Israel in peace and security. It asks that question not as a State that wishes to govern the Palestinians, but as a State that has actively sought to find workable ways for the Palestinian people to govern themselves.

In his speech of 4 June 2003 at the Aqaba Summit, Israeli Prime Minister Ariel Sharon stated the following:

> "Israel, like others, has lent its strong support to President Bush's vision, expressed on 24 June 2002, of two States — Israel and a Palestinian State — living side by side in peace and security. The Government and people of Israel welcome the opportunity to renew direct negotiations according to the steps of the road map as adopted by the Israeli Government to achieve this vision."

Mr. Sharon has since repeated those sentiments, most recently in an interview that appeared in *Newsweek* magazine just last week.

However, today — after the current Palestinian leadership has missed countless opportunities to realize that vision and has failed repeatedly to comply with signed obligations and after recurring waves of Palestinian violence and terrorism — it now seems that the question of Palestine is not a question of Israel's acceptance of Palestinian self-determination or a Palestinian State, but, rather, a question of the Palestinian acceptance of the right of Israel to continue to exist as a State where the Jewish people can continue to realize their own right to self-determination, concurrently and side by side with their Palestinian and Arab neighbours.

While over recent decades Israel has proven its willingness to advance a solution to the conflict that takes the interests of both sides into account, the Palestinian leadership has failed miserably to demonstrate its acceptance of the inherent legitimacy of the State of Israel or the right of its citizens to live in peace and security. The question of Palestine has been perpetuated — year after year after year — by persistent rejection of Israel's most basic security concerns in a way that can only cast grave and irreconcilable doubts on the Palestinians' professed acceptance of Israel's right to exist in safety, security and peaceful coexistence as a sovereign, democratic Jewish State.

Today the General Assembly, in an annual ritual replete with supreme irony, celebrates that Palestinian rejectionism, as is its custom, by taking up the question of Palestine on the anniversary of the adoption of United Nations General Assembly resolution 181 (II) of 1947. In observing today's deliberations, one might easily forget that, far from accepting that resolution because it proposed the establishment of an Arab state in part of the original Mandate territory, the Arab world rejected it out of hand, as it contained a concomitant proposal for the establishment of a Jewish State as well. Indeed, the General Assembly's adoption of the Partition Plan 56 years ago precipitated a massive Arab invasion aimed at destroying the Jewish State before it was even established, an invasion that the then United Nations Secretary-General called the first act of aggression since the establishment of the United Nations.

For that reason, I say to you that today we are debating not the question of Palestine, but the question of Israel.

For Israel, the question of Palestine is not a question at all. Throughout its history, Israel has demonstrated its willingness to compromise and make tremendous sacrifices for the sake of peace. When Israeli leaders met Arab leaders, like President Sadat of Egypt and King Hussein of Jordan — leaders who spoke the language of peace to their own people and were willing to take concrete steps to achieve it — Israel reached agreement with them and peace was achieved.

From the Camp David Summit of 1978 to the Camp David Summit of 2000 and beyond, Israel has taken upon itself the responsibility of finding solutions that recognize the legitimate rights of the Palestinian Arabs and their just needs, while at the same time defending the legitimate rights and aspirations of the Israeli people.

For its part, however, the Palestinian leadership has failed to demonstrate the same willingness to negotiate, compromise or take risks for peace. Nor has it shown that peace and self-determination are the aim of its political agenda. When Arafat rejected Israel's proposal to establish a sovereign Palestinian State in over 95 per cent of the West Bank and Gaza at the Camp David Summit of July 2000 — choosing instead to embark upon on a campaign of terror against innocent men, women and children — it became manifest that his goal was not peace, but remained the elimination of Israel. Had the Palestinian leadership chosen the path of negotiation and compromise at Camp David in the summer of 2000, Israelis and Palestinians would now be living in their own States, existing side by side in peace. Instead, the olive branch extended by Israel at Camp David was met with a hail of Palestinian gunfire and a barrage of suicide bombers.

It may be convenient to forget that fact, but if we want to answer the question of Palestine, if we truly want to understand how to resolve this conflict, we cannot in good faith ignore the stark reality. We cannot pretend that the vision now proclaimed to be the solution was not within easy reach — and was rejected out of hand — not by Israel, but by the Palestinian side, proving once again that its leadership never misses an opportunity to miss an opportunity.

Unfortunately, at no time has the Palestinian leadership made good on its plethora of promises and pledges. In the agreements he signed with Israel, Arafat undertook to resolve all issues through negotiation, to stop all violence, arrest terrorists, dismantle the terrorist infrastructure, collect illegal weapons and end incitement to violence. Yet, in the more than a decade since the 1993 Oslo Accords the Palestinian Authority has done almost nothing to fulfil those obligations, choosing, instead, to actively encourage and support terrorism. Over those 10 years, more than 1,100 Israelis have been murdered in acts of terrorism — over 900 of them since September 2000.

Terrorism is not the tool of peacemakers and nation-builders. It is the tool of rejectionists and cowards. It seeks only to destroy and not to create. It is antithetical to the dream of a two-State solution. By creating alliances with brutal terrorist groups such as Hamas and Islamic Jihad and by bankrolling the Fatah's Tanzim and al-Aqsa Brigades, the Palestinian leadership has sent every Israeli and every citizen of the world a chilling message. It is a message that proclaims that killing Israelis is more important to Palestinians than creating their own democratic State. It is a message that destroys any hope for peace. And that message has been exported globally, spreading the epidemic of terror worldwide, thus making terrorism the single most successful Palestinian export product.

Today Mr. Arafat and his cronies have not only destroyed hopes for peace but, by fomenting rampant terrorism and violence, they have also brought grave socio-economic suffering upon the very people they purport to protect — demonstrating that it is not poverty that breeds terrorism, but terrorism that breeds poverty. The situation they have created further constrains the ability of their citizens to achieve self-determination, democratization and statehood.

Just two weeks ago, a new Palestinian Prime Minister, Ahmed Qurei, declared, "The road map is not the Bible — I will report to Arafat". That is a guaranteed recipe for failure and we hope for the sake of both Israelis and Palestinians that it is not pursued.

Israeli society sees peace as the noblest of goals and the highest of aspirations. The desire for peace and tranquillity lies at the very centre of Israel's cultural identity. The greatest dream of every mother and father is an Israel living in harmony and cooperation with its Arab neighbours. If the Palestinian leadership shared

our genuine interest in the creation of a Palestinian State, living side by side in peace and security with its neighbours, we would see a change in the way those leaders address their nation, in the way Palestinian teachers are told to teach their students, the way Palestinian police treat political dissenters and in the way the Palestinian Authority clergy inspire their followers. Peace requires a language and culture of peace, to replace the incitement and indoctrination that is so pervasive in our region.

But that is not the reality we see today. Those Palestinians accused of cooperating with Israel are lynched in public squares, while those who kill themselves in suicide attacks against Israeli civilians are given unparalleled public praise in massive rallies and official ceremonies. The international community cannot and will not countenance the establishment of yet another repressive, terrorist state in the Middle East. It is wrong for the Palestinian people, it is wrong for the region, and it is wrong for the world.

With the adoption of the road map six months ago, the Government of Israel immediately began to implement measures designed to ease conditions for the Palestinian population, in anticipation of the Palestinian Authority's fulfilment of its primary road map obligation — to dismantle the terrorist infrastructure.

Such concrete Israeli measures included the transfer of Israeli security responsibility to the Palestinian Authority in Gaza and Bethlehem and withdrawal of its forces from those areas; the release of hundreds of Palestinian prisoners in a confidence-building measure carried out above and beyond the terms of the road map, some of whom, by the way, were later involved in the murder of Israeli civilians; the evacuation of many unauthorized outposts throughout the West Bank; the authorization of the daily entry of over 40,000 Palestinian workers from the West Bank and Gaza to employment within Israel, in a step to strengthen the economic situation of the Palestinian population; the authorization of the daily employment of an additional 15,000 workers in the special industrial parks located between Israel and the Palestinian Authority areas, giving a further boost to the Palestinian economy; the opening of shipping terminals allowing daily access for about 2,000 trucks carrying merchandise, produce and raw materials into and out of the West Bank and Gaza from Israel, Jordan and Egypt; the authorization of tourist entry into Bethlehem and Jericho, important sources of income for the Palestinian economy; the elimination of roadblocks and checkpoints throughout the West Bank and Gaza in order to improve freedom of movement for the Palestinian population; and the extension of the Palestinian fishing zone out to 12 miles from the Gaza coast in order to strengthen this key economic sector.

The Palestinian leadership, however, did nothing to fulfil its fundamental road map obligation to fight the terrorist organizations, and the terrorists used every Israeli attempt to ease conditions of Palestinian daily life as an opportunity to renew their attacks on Israeli citizens. They took advantage of eased freedom of movement to smuggle fugitives, arms, mortar bombs, artillery rockets and even suicide belts between Palestinian villages and cities, and exploited the workers' passage into Israel to infiltrate Israeli cities and carry out suicide attacks. Today, violence and terrorism persist unabated, the terrorist infrastructure remains intact, incitement is rampant, and terrorists are free to plan violent attacks on Israelis everywhere. In this reality, Israel has no choice but to focus on self-preservation and the protection of its citizens.

The situation as it exists today on the ground demonstrates better than any amount of rhetoric that the answer to the question of Palestine lies, first and foremost, not with Israel, but with the Palestinian leadership itself. It is the Palestinian side that repeatedly rejected a two-State solution based on genuine recognition and genuine compromise, and it is they who have yet to come to terms with it.

Indicative of that crisis in leadership is the speaker who has chosen to appear today on behalf of the Palestinian people. Known for his diehard extremism, Farouk Kaddoumi has even refused to join his own people in the West Bank and Gaza, due to his rejection of the peace process which created the Palestinian Authority there in the first place. With such leadership, it is no wonder that the Observer Mission of Palestine is so out of touch with the reality on the ground, and continues to pursue initiatives in this Organization which run counter to any agreement ever reached — from the Declaration of Principles of 1993, to the road map of today.

The dreams of both Palestinians and Israelis are inextricably tied to the fulfilment, once and for all, of the Palestinian obligation to fight and dismantle terrorism, in accordance with international law, United

Nations resolutions and the road map. The good-faith fulfilment of the basic Palestinian commitment would obviate the need for Israeli counter-terrorist measures and pave the way for peaceful negotiations that are the true guarantee of the welfare, prosperity and security of the peoples of the region.

Israel remains prepared to negotiate with any Palestinian leadership that lives up to its fundamental Palestinian obligations and commitments that are so vital to a viable peace process, through which a peaceful and democratic Palestinian State, existing side by side with Israel, can be established.

Israel stands ready to fulfil its commitments under the road map, ready to make painful compromises, and ready to assist and facilitate a Palestinian leadership committed to peace in fulfilling its own obligations. Now, with the formation of a new Palestinian cabinet, we hope that there will be a readiness to act on the Palestinian side. It is because we believe in peace and security for all peoples in the region that we believe that a Palestinian partner for peace will one day emerge.

The question of Palestine, which we are debating here in the General Assembly, can only be solved by the forum and in the venue that really count — by the Palestinian people in the region. A Palestinian leadership that genuinely cares about the welfare of the Palestinian people cannot continue to support terrorism and reject the rights of others. With a Palestinian leadership devoted to democracy and coexistence, and bestowed with the courage and wisdom to compromise for peace, the question of Palestine will solve itself, and when that happens, Israel will be there to share and advance the national welfare and prosperity of both peoples.

Mr. Musambachime (Zambia): My delegation would like to join other delegations in this debate on the question of Palestine. Accordingly, I wish to express my delegation's appreciation for the report of Secretary-General Kofi Annan contained in document A/58/416, which has provided useful information.

Zambia fully endorses and supports the ongoing initiatives for a peaceful settlement of the Middle East crisis, spearheaded by the United States of America. My delegation hopes that all the provisions being highlighted and agreed upon in the Middle East road map would be fully realized and implemented.

Zambia is therefore hopeful that the international community will provide support for the road map and the important work of the Quartet in pursuance of a comprehensive, just and lasting solution to the question of Palestine, based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), and other relevant resolutions on this issue.

My delegation is, however, dismayed that during the period under review there has been no serious headway in the political processes that would consolidate the road map. In the security area, for example, the construction of the wall in the occupied West Bank and areas close to East Jerusalem has continued. The wall only serves to undermine international efforts aimed at resolving the conflict and at realizing the vision of a region where the two States, Israel and Palestine, would live side by side in peace and security as outlined in the road map.

Zambia believes that, currently, the road map process offers a viable solution to the Middle East question. It is important that the United Nations support this process by providing adequate resources to the mechanisms that would facilitate its realization. Accordingly, my delegation wishes to stress the vital role and importance of the Division for Palestinian Rights of the United Nations Secretariat. The Division should be allowed to continue its operations in support of the Committee's objectives and programmes.

The special information programme on the question of Palestine of the Department of Public Information has made outstanding contributions to informing the media and the public at large on relevant issues regarding Palestine. My delegation would like to request the Secretary-General to continue this programme with the necessary flexibility, as necessitated by developments.

In conclusion, Zambia wishes to join the rest of the international community in observing the International Day of Solidarity with the Palestinian People, which occurred yesterday. We commend the Committee on the Exercise of the Inalienable Rights of the Palestinian People. As in the past, my delegation will support the draft resolutions to be adopted on this agenda item.

Mr. Andriamarivelo-Razafy (Madagascar) (*spoke in French*): Allow me to pay tribute to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Mr. Papa

Louis Fall, whose dynamic energy and dedication have allowed the Committee this year again to successfully carry out its mandate.

Indeed, the question of Palestine remains one of the most serious concerns of our era. In the global context of a complex and uncertain world, our Organization has both the duty and the responsibility to consider all aspects of the Palestinian question until a just and lasting solution is found.

Our Secretary-General has spared no effort in the quest for ways and means to find a rapid and comprehensive settlement to the conflict in the Middle East, including the Palestinian question. For its part, the Committee on the Exercise of the Inalienable Rights of the Palestinian People has continued to support all initiatives designed to resolve the question of Palestine in all its aspects.

Recent developments in the situation in the occupied Palestinian territories continue to be of great concern. Despite condemnation by the international community, military operations contribute to an increase in the loss of human life. Summary executions and obstacles to humanitarian assistance are violating the fundamental rights of the Palestinian people. Finally, daily clashes are affecting the civilian population and creating a state of social and economic paralysis, exacerbated by blockades.

Security needs should not take precedence over the exercise of the inalienable right to self-determination. All peoples of the region have the legitimate right to live within safe and recognized borders. Security Council resolution 242 (1967) has already emphasized this. The mutual recognition that has taken place between the Israeli Government and the Palestine Liberation Organization, representing the Palestinian people, marks significant progress and creates favourable conditions for a definitive settlement of the Palestinian question.

However, the unilateral and punitive measures undertaken by Israel, as well as the suicide attacks of Palestinian extremists, are seriously hampering efforts to bring the two parties closer together. The present deadlock in negotiations threatens to destabilize the entire region and creates an impasse that is a breeding ground for extremism and a hotbed for terrorist activity. In this context, the road map initiated by the Quartet and recently endorsed by the Security Council represents an innovative approach, which is applicable in the short term, and has been accepted by the two parties to the conflict. It provides real opportunities for peace to all of the parties.

Other large-scale initiatives, such as the Geneva Accord between the representatives of Israeli and Palestinian society, should be taken into account. The parties involved are therefore at a crossroads. There is only one alternative: to avoid being drawn into a spiral of violence and to embark on the path of peace. This reinforces the consensus that has emerged within the international community, which has been unanimous in supporting the provisions of the road map. It is now up to the Israelis and the Palestinians to demonstrate a true will to take advantage of this historic opportunity to live in peace and security.

Mr. Gilman (United States of America): Unlike some of the extensive remarks of some of my colleagues and in the interest of brevity, my remarks will not be lengthy. The United States position on the question of Palestine and the situation in the Middle East has been abundantly clear: the United States fully supports the creation of a viable, democratic Palestinian State, with secure and recognized borders, living in peace and security alongside the State of Israel. Particularly in light of Security Council resolution 1515 (2003) that endorsed the Quartet's performance-based road map as the way forward in the Middle East peace process, the United States believes that General Assembly resolutions that deal with the Middle East question should be consistent with the principles of the road map and the Madrid peace conference of 1991.

The United States views with significant concern the continuation of draft resolutions under the agenda item on the question of Palestine. Two United Nations bodies — the Division for Palestinian Rights and the Committee on the Exercise of the Inalienable Rights of the Palestinian People — perpetuate the notion that only one party to the Middle East conflict has rights but does not have any of the accompanying responsibilities. Those two bodies, along with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, cost the United Nations close to $3 million each year. The United States will continue to withhold its share of the budget for those two bodies and will continue to seek the abolition of those two bodies.

On a broader level, perpetuation of those bodies is inconsistent with United Nations support for the Quartet envoys' efforts to achieve a just and durable two-State solution to the conflict on the basis of the performance-based road map, which demands action on the part of all parties.

The two draft resolutions under agenda item 37 on the situation in the Middle East are very similar to the resolutions passed last year and, as such, remain problematic. In our view, the draft resolution on Jerusalem addresses questions that should be and must be decided in permanent status negotiations between the parties themselves. Similarly, the draft resolution on the Syrian Golan attempts to impose a settlement that should be decided through the resumption of Syrian-Israeli negotiations.

My colleagues, I plead with you, let us constructively work for a Middle East resolution by enhancing a peaceful environment, an environment for meaningful negotiations by the parties involved, and thereby helping to establish a Palestinian State.

Mr. Rodríguez Parilla (Cuba) (*spoke in Spanish*): The debate on item 38 of the General Assembly agenda dedicated to the "Question of Palestine" coincides with the celebrations held yesterday for the International Day of Solidarity with the Palestinian People.

Despite the demands of the international community, the crisis in the Palestinian territories continues to worsen while the numbers of dead and wounded continues to grow — the great majority of them innocent civilians, and one third of them children. The incursions of the Israeli armed forces continue into Palestinian territories and the Israeli settlements in the Palestinian territories continue to grow.

The economic paralysis brought about by military occupation, checkpoints and roadblocks threaten the survival of a great part of the Palestinian population of which 60 per cent today live below the poverty line. The destruction of homes and assets, religious cultural and historical places, as well as the vital institutions of the infrastructure of the Palestinian National Authority must be energetically condemned. The violation of the human rights of the Palestinian people is the most flagrant, massive and systematic being committed on the planet.

Today we again denounce the confinement imposed upon Palestinian President Yasser Arafat, who can barely move outside of his headquarters and much less travel abroad, since he is threatened with being barred from returning to his homeland.

The arbitrary arrests, tortures and extrajudicial executions are an everyday institutional occurrence. State terrorism practised by Israel knows no limits and must be condemned.

Cuba considers the heroic struggle of the Palestinian people against Israeli occupation and aggression to be legitimate and indefeasible, and expresses its solidarity with the Palestinian resistance and rebellion.

At the same time, Cuba condemns the suicide bombing attacks and other acts targeting Israeli civilians, innocent victims of the spiral of violence brought about by the policies of their own Government. We also oppose the manipulation of these isolated actions to question the exercise of legitimate defence by the Palestinian people and to justify the actions against the Palestinian population, both selective and large-scale.

Added to the long history of aggression, illegal settlements, violation of basic human rights and physical and moral harm to the Palestinian people has been the building in recent months of a separation wall on Palestinian lands. The inadmissibility of the acquisition of territory by force is a recognized principle of international law. The international community has always refused to recognize illegal Israeli settlements and the annexation by Israel of East Jerusalem and the Golan, as provided for, respectively, in Security Council resolutions 465 (1980), 478 (1980) and 497 (1981). On those occasions, the reaction of the international community, expressed through the United Nations was clear and firm.

Israel presents the construction of the separation wall as a measure of security, but the wall is being built on Palestinian territory and is intended to seal off 16 per cent of the surface area of the West Bank, including farmlands, water resources and villages, which implies a de facto annexation in which the security situation is being manipulated as a brazen pretext for territorial expansion by Israel.

The separation wall, the increase of settlements and the building of security roads between the

settlements and to Israel constitute a clear territorial expansion to the detriment of the Palestinian people and their inalienable right to self-determination and to the establishment of an independent and sovereign State. The "bantustanization" of the occupied Palestinian territories creates new alterations in the field that additionally complicate possible future negotiations on permanent status and negates the possibility of establishing a contiguous Palestinian State on all its territory.

The Cuban delegation is grateful for the publication of the report of the Secretary-General, prepared pursuant to General Assembly resolution ES-10/13, where it stipulates that Israel is not fulfilling the demands of the General Assembly and that it must "stop and reverse the construction of the wall in the occupied Palestinian territory".

The number of resolutions of this Assembly and the Security Council on the question of Palestine, which Israel challenges and violates, continues to increase. The violations of international law, of international humanitarian law and the Fourth Geneva Convention of 1949 are severe and appear on a daily basis.

In the quest for a solution to the question of Palestine, the United Nations must play an important role. In this endeavour, the General Assembly has the task of leading that effort, given the proven inability of the Security Council to enforce its own resolutions, which are obviously mandatory.

In the case of the question of Palestine, it is evident that there is a double standard being used in the Security Council. Practically half of the times that the United States has exercised its veto in the Security Council, that is, on 39 occasions, it has done so in connection with the Middle East situation. Of those times, 27 have been directly linked to the situation of the Palestinian territories illegally occupied by Israel, without including the constant threats of veto that have prevented the adoption of a considerable number of draft resolutions that have not even come to a vote or that have been significantly watered down.

In order to advance towards a fair solution of the Palestinian problem, the United States must immediately suspend its financial support for military purposes and military supplies to Israel, which include the tanks, helicopters, missiles and aircraft that are being used against civilians. The United States policy of complicity with the Israeli occupation perfectly explains the statements just made by the delegation of the United States in connection with the functions of the Division for Palestinian Rights and the Committee for the Inalienable Rights of the Palestinian People, which Cuba energetically rejects.

Cuba condemns all acts of aggression, occupation and State terrorism perpetrated by Israel and reiterates its solidarity with the Palestinian people. It also calls upon all delegations to vote in favour of the four draft resolutions presented to this General Assembly in support of the Palestinian cause, including its inalienable right to constitute an independent and sovereign State on its territory with its capital in East Jerusalem.

Mr. Erwa (Sudan) (*spoke in Arabic*): I am honoured to present to Mr. Papa Louis Fall, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and to the members of the Committee our sincere thanks for their efforts to preserve the rights of the Palestinians and to expose the spuriousness of Israel's occupation and abhorrent practices, which have perpetuated the suffering of the Palestinian people.

In considering the question of Palestinian, the crux of the Arab-Israeli conflict and the genuine cause of the problems in the Middle East, we believe that the failure to find a fair and equitable solution to this issue has led to the further deterioration of the security situation in the entire region, despite repeated truces, called by the Palestinian Authority and all Palestinian factions. Israel, on the other hand, pays no heed to these attempts, escalates the situation and scorns all international and regional efforts.

The intransigence of the Israeli Government and its persistence in implementing its colonialist policies clearly reveal its determination to flout all the resolutions of Oslo and Madrid and to dismantle the Palestinian Authority's institutions and threatening to exile the elected Palestinian President, Mr. Yasser Arafat, setting a grave precedent in the history of region.

Israel's recent launching of the construction of the separation wall, to intrude seven miles into Palestinian territory, will sandwich 11 per cent of the total territory of the West Bank between the wall and the Green Line. This will negatively affect the

economies of more than 875,000 Palestinians. The construction should be halted immediately.

The international community challenges these serious Israeli designs merely by adopting ever more resolutions of denunciation and rejection. Such resolutions, however, are flouted by Israel. It is high time for the international community, represented primarily by the Security Council, to assume its responsibilities by pressuring Israel to comply with the resolutions of international legitimacy, thus allowing peace and security to be established in the region. The arrogance with which Sharon's Government treats these resolutions and its impunity to date entice it to perpetrate further massacres and barbaric actions against defenceless innocent civilians.

We reiterate that the only way for Israel to ensure its own safety and security is to end its occupation and immediately and unconditionally to withdraw from occupied Palestinian and Arab territories, including the Syrian Golan and southern Lebanon, and to enable the Palestinian people to establish their own independent State with Jerusalem as its capital.

Finally, from this rostrum we urge all peace-loving nations to work strenuously to compel Israel to respond to the resolutions of international legitimacy in order to preserve the prestige of this institution. The international community should move immediately to provide international protection for the Palestinian people, to permit the achievement of a peaceful and lasting solution to the Palestinian problem and to establish peace and security in the region.

The President: We have heard the last speaker in the debate on agenda item 38.

A number of delegations have requested to exercise the right of reply.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): The General Assembly listened earlier to a statement by the Israeli representative that reflected the same old ideas and even the expressions used by occupiers and colonialists throughout history. The statement was also fraught with a number of basic lies, of which I shall cite three.

The first is that the Arab side rejected General Assembly resolution 181 (II) on the partition of Palestine and that Israel accepted it. The fact is that the Arab side did not accept it, but that Israel's acceptance of it was not genuine. After the war, Israel occupied more than 50 per cent of the territories allocated to the Arabs and annexed them to its State. In the immediate aftermath of the war, Israel confirmed West Jerusalem as its capital, in contravention of the provisions of the partition resolution. The main approach of all Israeli policies since then has been expansion and illegitimate confiscation of Palestinian territories.

The second lie is that the Palestinian side at the Camp David conference rejected an offer to recover 95 per cent of the occupied territories. At Camp David, not a single plan was presented. At Camp David, the Israeli side insisted on maintaining control of a belt surrounding the West Bank and the Gaza Strip for 100 years, depriving Palestine of international borders. Indeed, such a belt would entail a negation of the very essence of a Palestinian State, not to mention Israel's unacceptable positions on Jerusalem and the rights of the refugees. The situation was altered by the initiative of President Clinton, which was accepted by both parties, with some reservations. This led to the only series of serious negotiations, at Taba, that have achieved tangible results.

The third lie is that the current Israeli Government desires peace and accepts the premise of two States. If that is so, why do the colonialist settler activities continue? Why does the settler expansionist occupation of our territories continue? Why did the occupation authorities only yesterday begin the construction of a new settlement in Arab East Jerusalem? Why are they constructing this expansionist wall, which cancels out any possibility for the two-State solution? Why is the Geneva agreement, which was signed yesterday, being rejected? Why are the Israelis who have contributed to it being accused of working against the interests of their State? Their Government is even accusing them of being traitors.

Mr. President, we challenge the representative of Israel to accept now, before you, the establishment of two States, based on the borders of 1967. That would immediately and inevitably lead to peace. We know that he is incapable of doing so, regrettably, because the truth is, for Mr. Sharon, his Government and his ambassador — as evident from the latter's statement — the question of Palestine is not a question at all.

In the Israeli statement and in other statements the claim was made that the United Nations and its resolutions take one party's side at the expense of the other. Once again, this is a line of reasoning that is

truly incredible. We are a deprived people; we have no State, no rights; we are a people living under occupation and subjected to settler colonialism; we are a people that has been subjected to a continued campaign of oppression for over 37 years. Half of our people are refugees. We have been living in this manner for over 55 years. Now, some ask why there is no balance. Balance between what? Between the occupier and those living under occupation? Between the refugee and the person who has occupied his home? How can there be equal treatment of both parties?

When Palestine becomes independent and the Palestinian people can exercise their sovereignty, we will be extremely happy to exchange with our neighbours, including Israel, the benefits of normal relations. We will be happy to come here and receive equal treatment by the United Nations.

Mr. Shacham (Israel): The Palestinian observer has stated that we lied. I state that we told the truth. But sometimes, what is more important than words are deeds and actions on the ground.

Israeli citizens are currently the targets and victims of the most barbaric onslaught of wholesale terrorism in modern history. Since September 2000, when Yasser Arafat decided to revert to terrorism following his rejection of a compromise at the Camp David peace summit a few months earlier, over 900 Israelis have been killed by Palestinian terrorism and about 6,000 have been seriously wounded in roughly 20,000 attacks ranging from machine gun ambushes on the roads to suicide bombings in crowded restaurants.

This terrorism did not spontaneously arise in a vacuum. It is the result of a systematic and orchestrated effort by the present Palestinian leadership to motivate, incite and even blackmail the weakest and most vulnerable elements of Palestinian society to forfeit their own lives in order to murder Israelis. There is a wealth of hard evidence documenting Palestinian Authority incitement of its children to hatred, violence and death for Allah, the shahada. The Palestinian Authority promotes this incitement through its entire social and educational structure of Palestinian children, including sporting events, summer camps, music videos for children on public television and even school textbooks. Jews and Judaism are presented as inherently evil. Israel's existence as a State is de-legitimized and denied and fighting Jews and Judaism is presented as justified and even heroic.

For example, the Palestinian Authority ministries of education and sports have turned the most abhorrent murderers of Jews into role models and heroes for Palestinian youth. Many schools, cultural events, educational programmes and children's competitions are also named for terrorist murderers and suicide bombers. Make no mistake, these are not merely local initiatives but involve the most senior Palestinian decision makers.

As recently as September of this year, Yasser Arafat and 13 Palestinian Authority leaders jointly sponsored a soccer tournament honouring arch-terrorists. The Palestinian Authority leaders included the Negotiations Minister Saeb Erekat, National Security Advisor Jabril Rajoub, Minister of Sport Abdel Fattah Hamayel and the mufti of the Palestinian Authority, Ikrama Said Sabri, and 10 other senior Palestinian Authority officials. Each of the 24 soccer teams was named for a terrorist, including some of the most heinous Palestinian murderers such as Yihye Ayash, the infamous Hamas explosives engineer who first initiated the suicide bombings, and Dalal Mughrabi, a female terrorist who attacked a bus in 1978, killing 36 Israelis. And at the completion of this tournament, none other than Minister Erekat himself distributed the trophies.

Remember, the Palestinian Authority is using international funding to promote this metamorphosis of Palestinian children into suicide killers. For example, summer camps named for suicide bombers are funded by the United Nations Children's Fund (UNICEF). The hatred, anti-Semitism and encouragement of a martyr's death appear in Palestinian Authority schoolbooks as well. A poem, which is entitled "The Shaheed", the martyr, appears in a new Palestinian Authority textbook and includes the phrase "I see my death and I hasten my steps towards it". There can be no greater incitement to hatred and violence than the recurring portrayal of Palestinian terrorists as role models for children.

While music videos around the world are used to entertain children, in the Palestinian Authority they are used to indoctrinate children to hatred, violence and shahada — martyrdom. The official Palestinian Authority television educational channel regularly broadcasts inflammatory music videos featuring actors depicting Israelis carrying out execution-style murders of old men, women and children or blowing up mothers with their babies. Children are not only taught through

these videos to hate and to be violent, but are openly encouraged to aspire to death through shahada. The clips, designed to offset a child's natural fear of death by portraying child martyrdom as both heroic and tranquil, have appeared in the Palestinian Authority's own television broadcast thousands of times over the past three years. One particularly chilling clip for children ends with the words: "Ask for death, the afterlife will be given you".

Through this abhorrent manipulation of the malleable minds of children, the present Palestinian leadership has transformed the squandered lives of child suicide terrorists into exemplary national heroism, to be emulated by all other Palestinian children. Sadly, this campaign to refashion murderers into role models is succeeding.

In a recent interview on Palestinian television, young Palestinian girls discussed their feelings about suicide terrorism. Typical of the statements was one made by a girl named Yusra, who stated: "Of course shahada, martyrdom, is a good thing, every Palestinian child of, say, age 12 says 'Oh Lord, I would love to become a shaheed'". Frightening, is it not? Permitting young children to be interviewed on television about their desire to die is simply beyond the pale. That is not a culture of peace, it is a culture of death.

Agenda item 37

The situation in the Middle East

Reports of the Secretary-General (A/58/278 and A/58/416)

Draft resolutions (A/58/L.27 and A/58/L.28)

Mr. Løvald (Norway): After a long period during which there has been a lack of progress in the Middle East peace process, there now seems to be reason for cautious optimism. The Palestinians have a new Government in place. In his inaugural address to the Palestinian Legislative Council, Prime Minister Qurei expressed a clear determination to implement measures to fight terrorism, in accordance with the road map. We are expecting the Palestinians to make an all-out effort to fight terror. A new Palestinian ceasefire — *hudna* — would be a positive first step. It is our hope that the Palestinians will succeed, in cooperation with the Egyptians, in establishing a *hudna* as soon as possible. But the Palestinian Authority must also restrain and arrest individuals and groups that are planning and conducting violent attacks. In the long run the militant groups will have to be disarmed.

One of the lessons learned from the experience of Abu Mazen's cabinet is that the Israeli Government has a crucial role to play in enabling the Palestinians to fight terror. The Palestinian Authority needs room to manoeuvre, both politically and geographically, and that room can only be created with the cooperation of the Israeli Government. It is important that Israel now implement its obligations under the road map. Those include halting military operations, lifting the closures, stopping the assassination of Palestinians and the demolition of Palestinian homes and freezing all settlement activity, including natural growth.

Another issue that continues to worry the Norwegian Government is the separation wall that is being built mainly on Palestinian land. Norway fully recognises Israel's legitimate right to protect its citizens from terror. However, the fact that the wall is currently being built on Palestinian land constitutes, in Norway's view, a de facto annexation of that land. The everyday lives of a large number of Palestinians are being affected. The separation wall might also influence the outcome of final status negotiations, since the wall could pose an obstacle to the establishment of a viable Palestinian State with a contiguous territory. Norway urges Israel to stop and reverse the construction of the separation wall in the West Bank.

Mr. Alimov (Tajikistan), Vice-President, took the Chair.

We have learned that there has been contact between the parties and that a series of meetings between Israelis and Palestinians on different levels are being planned for the coming weeks. We urge the parties to agree to swiftly resume implementation of the road map. However, strong international involvement is also crucial. The recent unanimous decision in the Security Council to endorse the road map shows that that peace plan, which calls for an end to the occupation and a two-State solution to the Israeli-Palestinian conflict, has broad international backing.

Another lesson learned from the implementation of the road map so far is that there should be a clear and unambiguous plan with benchmarks and a timeline for implementation. Furthermore, a performance-based peace plan needs a mechanism for monitoring its

progress. Indeed, the road map calls for the establishment of a monitoring mechanism, and Norway believes that that mechanism is crucial to the road map's success. Norway therefore encourages the Quartet to continue their efforts to establish an efficient monitoring mechanism as soon as possible.

As Chair of the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians, Norway is, in accordance with the road map, convening a donor meeting in Rome on 10 December. Both Israel and the Palestinian Authority will be represented by their Foreign Ministers. The purpose of the meeting is to show international support for the peace effort, mobilize financial resources for the Palestinian Authority and discuss the reform process in the Palestinian Authority, as well as Israeli measures to facilitate international donor efforts. We hope that that meeting will strengthen the peace process and encourage further Israeli and Palestinian efforts to that end.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): Years pass and the international situation changes in various areas of the globe and occupation is virtually eradicated in most regions of the world. Indeed, the United Nations has played a significant role in ending many conflicts throughout the world except in the Middle East. It remains a hotbed of tension and continued conflict because of the Israeli occupation of the Arab territories in Palestine, Syria and Shaba'a farms in southern Lebanon.

We are here once again to debate, under the agenda item entitled "The situation in the Middle East", an issue that has been on our agenda for nearly 33 years. The General Assembly is considering the situation since no progress has been made in the Middle East. In fact, the situation has continued to deteriorate and is now even worse than it was in those past difficult years. The situation in the occupied Palestinian territories has reached such serious proportions that it is now virtually out of control.

If we look at the reasons for this crisis, we find that the Israeli occupation of the Palestinian territories, including Jerusalem, is the major root cause of the present state of affairs and the ongoing deterioration of the situation. It is indeed deplorable that the occupying Power, which is finding various ways of justifying its occupation, is carrying out that occupation by what we believe are unprecedented methods — ones that no occupying Power in the world has ever used in the past. Moreover, it is using barbaric force, deploying huge arsenals against a defenceless people whose only weapons are determination and insistence on fighting occupation.

It is clear that there is no other conflict in the world that has spawned such feelings of hatred and violence and the use of blind excessive force as the Middle East conflict.

In 1948 Israel occupied a considerable part of Palestinian territory, expelled, displaced or killed numerous legitimate Palestinians and built illegitimate settlements. In 1967, Israel occupied more Arab land — Gaza and the West Bank, as well as Jerusalem, which was declared the eternal capital of Israel.

We have seen Security Council resolutions — including resolutions 242 (1967) and 338 (1973), which emphasize the illegitimacy of occupying the territory of others by force, as well as resolution 478 (1980), which rejected Israel's proclamation of the basic law regarding Jerusalem. But Israel has flouted all those United Nations resolutions and has demonstrated its clear contempt for them.

The rejection by the international community of the illegitimate measures designed to change the demographic and geographic nature of Jerusalem has never been heeded by Israel, which has persisted in its policy of violence and force to create a new Israeli character for that holy city.

Israel continued its greedy seizure of Arab territories. It did not limit itself to the occupation of Palestinian territory, but also occupied the Syrian Golan and southern Lebanon, confronting brave Lebanese resistance and obliging the Israeli forces to withdraw, except from the Sheba'a Farms area, which is still under draconian occupation.

In order for Israel to strengthen its position in the occupied Palestinian territories and continue that occupation, it created settlements, taking extremist settlers from all over the world to populate the occupied Arab territories and providing them with various kinds of weapons to terrorize the inhabitants and expel them through bloody policies and massacres, while flouting international conventions and human rights instruments. Israel also built settlements in all occupied Arab territories in a truly unprecedented manner.

Israel has undertaken to transform the Arab features of those occupied territories and to exploit their wealth and natural resources, in contravention of international instruments such as the Fourth Geneva Convention and other relevant United Nations resolutions, such as Security Council resolution 497 (1981), which considers Israel's decision to impose its laws, administration and jurisdiction in the Golan to be null and void.

Following the occupation of the Syrian Golan in 1967, Israel promulgated new laws that run counter to all international covenants and agreements designed to strip Syrian identity from the Golan. It applied a policy of judaization of the inhabitants and built 44 settlements. Among the paradoxes of Israeli behaviour is the continuation of the occupation and the escalation of its practices against the Palestinians in the Gaza Strip, the West Bank and against the Syrians in the Golan, through violent attacks and the flouting of international conventions. One example is its aggression in October against the Syrian village of Ein Saheb, despite international efforts aimed at finding a peaceful solution in the Middle East.

Security Council and General Assembly resolutions have emphasized the illegitimate nature of the Israeli settlements. For example, Security Council resolution 446 (1979), emphasized the illegitimate nature of the settlements, as did resolution 465 (1980), which also underlined the fact that Israel's resettling of its inhabitants as well as of new immigrants to Israel in the occupied Palestinian territories, and in other occupied territories since 1967, including Jerusalem, constituted a flagrant violation of the Fourth Geneva Convention.

The world is fully convinced now of the importance of finding a peaceful solution to that question and is also convinced of the importance of creating a Palestinian State as the basis for any solution. That was reflected in Security Council resolution 1397 (2002), which reiterated the importance of the principle of two States living side by side within secure and recognized borders. Council resolution 1515 (2003), adopted last month and designed to support the road map, as finalized by the Quartet, and requests the parties to comply with their obligations under the road map.

While the Millennium Declaration reflects the determination of the international community to establish just and lasting peace in all regions of the world, in compliance with the purposes and principles of the United Nations Charter, and to support peoples still under foreign occupation, the Arab States have made great efforts to find a peaceful solution to the question of Palestine.

The Arab States embraced peace as a strategic option and formulated a peace initiative that was proclaimed at the Summit of the League of Arab States in Beirut in 2002. That was an integrated initiative that outlined clear bases for a peaceful settlement and required the withdrawal by Israel from the occupied Arab territories, including the Syrian Golan, up to the 1967 line and the Sheba'a Farms in southern Lebanon, and implementation of General Assembly resolution 194 (III) to find a solution to the issue of Palestinian refugees and the establishment of a Palestinian State with Jerusalem as the capital.

That is the basis for a resolution to the conflict, otherwise there can be no solution. Israel must accept this reality. Regardless of the intensity of military force used by Israel to enforce its occupation it cannot hide this truth. Rather, it should work through a peaceful process to find a just and lasting solution to that conflict that has lasted all too long. Regardless of the time and the number of years that have elapsed, truth and justice remain the only bases for a solution to this conflict.

The Acting President: I now give the floor to the representative of Egypt to introduce the draft resolutions contained in documents A/58/L.27 and A/58/L.28.

Mr. Atta (Egypt) (*spoke in Arabic*): The beginning of the General Assembly's work in its current session has coincided with the twenty-fifth anniversary of the signing of the two peace frameworks negotiated at Camp David. Despite periods when there was hope for the establishment of a just, lasting and comprehensive peace in the Middle East, the region has witnessed armed clashes and confrontation, during other stages and periods that had deep implications and repercussions for the peace efforts that Egypt had worked towards with objectivity and clear commitment, taking every possible opportunity to establish a just and comprehensive peace for the countries and peoples of the Middle East.

Egypt has worked with other peace-loving countries and through the United Nations, which had

the primary responsibility, since the outbreak of this conflict, to make available the basic elements for a Middle East settlement and support it in all its aspects. These elements of a settlement were set by Security Council resolutions 242 (1967) and 1397 (2002), a host of other resolutions adopted by the Security Council and General Assembly since 1947, the land-for-peace formula of the Madrid peace conference and, finally, Security Council resolution 1515 (2003). This last resolution calls for the international community to support the road map and identifies the need to reach a settlement and revive negotiations on the different tracks.

Despite all these efforts, over the past few years we have seen consecutive Israeli Governments either misreading or misinterpreting these principles that the international community has agreed on. Sometimes the current Israeli Government rejects these principles completely. It continues to insist on its settlement-building policies and on building walls deep inside the occupied Palestinian territories. It tries to impose its own view of the path necessary to achieve a settlement. This settlement must be based on the following points.

First, Israel must withdraw from all Arab and Palestinian territories occupied since June 1967. Secondly, the Palestinian people's hopes of exercising their right to self-determination and establishing their independent State on their national soil, with East Jerusalem as its capital, must be fulfilled. Thirdly, security must be ensured for all the countries and peoples of the Middle East through the adoption of agreed upon measures that preclude an armed invasion or threat of the use of force. Fourthly, the Middle East must be declared a zone free of weapons of mass destruction. Israel must abandon its nuclear capabilities, which threaten the security and stability of the region. It must also join the Treaty on the Non-Proliferation of Nuclear Weapons and adhere to the additional protocols. Fifthly, normalized peace ties and good neighbourliness must be established between the different countries of the region in implementation of the land-for-peace formula.

In order to fulfil these goals, my delegation is honoured to present to the Assembly two draft resolutions, contained in documents A/58/L.27 and A/58/L.28, entitled, respectively, "Jerusalem" and "The Syrian Golan". These two draft resolutions are presented annually in the Assembly, under the agenda item "the situation in the Middle East". They express the views of the sponsors on a settlement of the Jerusalem problem and the situation in the occupied Syrian Golan Heights.

The draft resolution on Jerusalem recalls previous United Nations resolutions on the status of Jerusalem, which determine that all measures adopted by the occupying Israeli authorities to change the status of that city are null and void. It reaffirms the need for the existence of international interests in Jerusalem and the need to protect the religious, spiritual and cultural aspects of this city. It also reiterates its determination that any measures that Israel adopts to impose its sovereignty over this city are considered illegal and therefore null and void. The draft resolution also deplores some countries' decision to transfer their embassies to Jerusalem and stresses that any comprehensive peace settlement must take into account the legitimate considerations of the Palestinian and Israeli sides in order to guarantee the freedom of worship and belief of the residents of that city.

The second draft resolution, regarding the Syrian Golan, reaffirms the provisions of Security Council resolution 497 (1981) on the occupied Syrian Golan and Israel's continuing non-implementation of the resolution. It states that the Geneva Convention relative to the Protection of Civilian Persons in Time of War continues to apply to the occupied Golan and affirms the need for Israel to abide by it. It affirms the illegitimate nature of Israel's settlements in the Golan and its refusal to withdraw from those territories and expresses grave concern over the stalemated peace process with respect to Syria. The draft resolution also affirms that any Israeli sovereignty over or law regarding the Golan is null and void and that Israel's de facto annexation of this territory is considered an obstruction to peace in the region. It demands that Israel withdraw from the occupied Syrian Golan and calls on all concerned countries and the international community to exert all efforts to guarantee the launching of a peace process according to Security Council resolutions 242 (1967) and 338 (1973).

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): We consider today the two items on the situation in the Middle East and the question of Palestine. These are extremely difficult and complex circumstances, due to Israel's continued occupation of Arab territories and its refusal to comply with international law and to implement Security Council

resolutions designed to reach a comprehensive and just solution to the conflict in the Middle East.

The majority of world leaders have declared from this rostrum their rejection and denunciation of the continued Israeli occupation of Arab territories and Israel's daily oppressive actions. They have demanded that Israel put an end to the bloodshed and the destruction of the Palestinian infrastructure, that it halt the construction of its expansionist apartheid wall and that it also put an end to its policy of assassination, annexation of territories and establishment of settlements.

At the same time, Israel continues its inhumane practices, without distinguishing between women, children or the elderly, using jet fighters and tanks against unarmed civilians, refusing to heed all Security Council resolutions and appeals regarding the Arab-Israeli conflict, which now number a total of 37, and resolutions of the General Assembly, which now number 600. All these resolutions remain hostage to Israel's disregard for international legitimacy.

In reaffirming Israel's disregard and lack of respect for the United Nations, the representative of Israel has attacked the United Nations in a number of statements, including at a press conference a few days ago, when the countries of the world rejected Israel's blackmail policy. Israel's representative accused the General Assembly of hypocrisy and made other shameful accusations, which we cannot mention. The representative of Israel does not realize that the United Nations represents the values and ideals that the international community has vowed to respect and that occupation and oppression cannot be justified or defended.

Israel, while occupying the Syrian Golan, has enacted mandatory legislation that runs counter to its commitments, under the Fourth Geneva Convention of 1949, as an occupying Power. Israel has used all possible means to confiscate land, to Judaize the population, to implant settlements and to bring in settlers from around the world, together with others who have no previous ties to the occupied land. This is done at the expense of the population of the Syrian Arab Golan and it deprives them of every basic humanitarian right. The forces of occupation have expelled the Syrian Arab inhabitants from their homes, villages and farms — 244 in all — and have destroyed them. I would like to mention here that the number of those expelled since the occupation of the Golan by Israel in 1967 has reached half a million. They are all waiting to return to their land and homes.

Israel continues to deface the history of the Golan, plunder its antiquities, destroy its environment and burn its forests. It continues to build new settlements and expand existing ones in the Syrian Golan, in violation of all resolutions of international legitimacy and rejecting all international calls to end its aggressive settler policies. It has recently formed a committee to oversee the construction of 600 new housing units in the 44 settlements it has established so far. Moreover, this committee decided to allocate financial support to settlers to encourage them to settle the land.

Israel has also enacted a law that perpetuates the occupation of the Golan. From the podium of the General Assembly Syria has called on those countries that were misled by Israeli propaganda not to participate unknowingly in excavating the antiquities of the Golan or in importing goods produced by Israeli settlements in the occupied Golan, but instead to abide by Security Council resolution 497 (1981), which considers the Israeli occupation of the Golan and the decision to impose Israeli sovereignty over it null and void and illegal.

The inhabitants of the Syrian Arab Golan have suffered the same fate as the Palestinians for more than 30 years. They reject the Israeli occupation and adhere to their homeland, and are in solidarity with the Arab Palestinian people in their heroic intifada to liberate their land and establish an independent State with Jerusalem as its capital. Our people in the Golan will continue their struggle to liberate their land, no matter how powerful the weapons of destruction and occupation.

The occupied Palestinian territories have lately become real battlefields in which the Israeli occupying forces have committed war crimes and State terrorism, using lethal weapons to kill thousands of innocent, unarmed Palestinians with unprecedented barbarity. As was noted in the Secretary-General's report (A/ES-10/248), Israel continues to construct its expansionist racist wall in violation of General Assembly resolution ES-10/13, adopted at the tenth emergency special session. Israeli fighter jets continue to violate the Blue Line in southern Lebanon, violating the sovereignty of an independent State and terrorizing

its inhabitants. The situation in the region continues to deteriorate owing to Israel's escalation of the conflict. According to the United Nations Interim Force in Lebanon (UNIFIL), since May 2000, Israel has violated Lebanon's sovereignty 8,400 times.

Condoning such terrorist Israeli policies is no longer acceptable. The actions of the Israeli occupation authorities destroy all hope and international efforts for the establishment of peace in the Middle East. Those Israeli incursions, which are totally unjustified, such as the one that took place against the village of Ein Saheb in Syria, cannot but increase tension in the region and drag it to the brink of explosion. That attack, in addition to other threats, was a blatant attempt by the Israeli war Government to export its internal crises and to divert attention from its failure to achieve the elusive security that it has promised to the Israelis.

Syria, which has exercised constraint and resorted to international legitimacy, is capable of facing aggression and of defending its land and dignity. The Syrian President, Mr. Bashar Al-Assad, in his statement before the Islamic Summit Conference in Putrajaya, Malaysia, stated:

> "Experience has proven, particularly recent experience, that military force cannot be a substitute for diplomacy. It cannot replace reason. Rather, it requires greater reason. Israelis should realize that fact and realize that, no matter how militarily powerful they are, they will not be able to achieve their objectives and will not be able to frighten us."

Any observer of Israeli practices would realize that Israel's real objective is not self defence, as it claims. Rather, it is defending its policy of expansionism, the confiscation of land and the continuation of settlements. It is an attempt to defend and succeed in its policies of aggression.

The time has come for Israel to be convinced that its attempts to mislead world public opinion have failed. Recent public opinion polls in many countries testify to the fact that the peoples of the world reject the occupation, which is the main and only plague afflicting the Middle East region, whatever Israel may claim.

Syria would like to reiterate once again the option of a just and comprehensive peace based on the framework of the Madrid Conference, the relevant United Nations resolutions and the principle of land for peace, requiring Israel's withdrawal from the territories occupied in 1967, including the completion of its withdrawal from Lebanese territories, and guaranteeing the legitimate rights of the Palestinian people and the establishment of their independent State with Jerusalem as its capital. The Arabs have unanimously expressed their views by adopting the Beirut Summit peace initiative, which has been met by Israel with prevarication and disregard and the commission of further killings and oppression.

Mr. Staehelin (Switzerland) (*spoke in French*): The situation in the Middle East continues to be a cause of serious concern. Over the past months, we have witnessed a spiral of violence on the ground that has been reflected in a marked and alarming deterioration of the situation. Today it is urgent that we give fresh impetus to the process of negotiation and give a clear sign of hope to the peoples concerned.

Switzerland approves all efforts to implement the road map and strongly supports it. It regards the road map as a vital contribution to the efforts of the international community to promote a peaceful solution in the Middle East, including the Israeli-Syrian and the Israeli-Lebanese tracks. The road map is still encountering serious difficulties, but it remains the only solution. It offers a means of responding to Israel's need for security and recognition, while making the Palestinians' right to an independent and viable State a reality. Switzerland urges Israelis and Palestinians to strictly honour each and every one of their obligations. It also welcomes the efforts of the Security Council and its adoption of resolution 1515 (2003).

It is incumbent on the Palestinian Authority to restore the security and credibility that it needs if it wishes to continue to be an indispensable partner in the peace process. In that respect, the reform of its institutions and the organization of free elections will constitute the new foundation of its legitimacy.

The Palestinians must do everything within their power to stop the attacks on civilians and to that end they must choose a leadership determined to fight terrorism. The Prime Minister must be invested with the necessary authority to combat terror and violence and to restore public order. No political cause can justify those attacks that, in addition to their illegal and intolerable character, destroy the legitimate aspirations

of the Palestinian people. Switzerland has consistently condemned such attacks because they constitute a grave violation of international law and reduce Israeli support for the peace process.

Israeli actions in violation of international law, including extrajudicial executions, the building of a separation wall, the demolition of houses and the expansion of settlements, only increase the distress of the Palestinians, who are already facing a disastrous economic situation. They also weaken the Palestinian Authority's ability to exercise its responsibilities, and in particular to prevent and, if necessary, to repress, violence. Israel undoubtedly has an inalienable right to fight terrorism. However, the disproportionate use of armed force only worsens the vicious cycle of violence.

As for the construction of the separation wall, this structure gravely jeopardizes the vision of two States living side by side in peace. The wall, which has been constructed beyond the Green line, encroaches considerably on the territories occupied in 1967 and paves the way for confiscations that are contrary to international humanitarian law, notably to the Fourth Geneva Convention, and to the agreements signed between the Israelis and Palestinians. That obstacle to the peace process must be dismantled. It is contrary to the road map.

The building of new settlements in the occupied territories, despite the undertakings contained in the road map, violates international law, in particular the Fourth Geneva Convention of 1949, and it is a major obstacle to peace. Switzerland attaches great importance to respect for international law and, in particular, international humanitarian law. It has consistently reminded the parties to the conflict of their obligations in that regard and it will continue to do so. The importance of the Declaration of 5 December 2001, adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, should be recalled in that context. It underlines the specific responsibilities and obligations of each of the two parties.

It is encouraging to note that, despite the prevailing pessimism, private initiatives by eminent Israelis and Palestinians — such as the Geneva Accord and the so-called Nusseibeh-Ayalon Initiative — offer new possibilities for breaking the present deadlock and for settling the final status issues, including Jerusalem, the settlements and the refugees. Those private initiatives do not seek to replace official diplomatic negotiations between the State of Israel and the Palestinian Authority. They are complementary to the road map. They should be welcomed because they are following paths identical to those outlined in previous peace plans and because they are brave attempts by Israeli and Palestinian civil society to show that a peace dialogue is possible to resolve the current deadlock.

It is imperative that the parties resume negotiations and that all people of good will — whether or not they occupy official positions — get down to this task and bring to it all their determination, intelligence and imagination to achieve the vision of two States, Israel and the future Palestinian State, living side by side in peace.

The international community must remain mobilized, continuing to exert pressure on the parties to exercise maximum restraint and prevent any new escalation of violence. Through respect for the provisions of international law and international humanitarian law, and by honouring the commitments contained in the road map, a constructive and positive message can be sent pointing the way to a shared and peaceful future for all peoples of the region. In that context, Switzerland wishes to reaffirm its firm commitment to the search for a peaceful solution in the Middle East.

Mr. Gillerman (Israel): For much of the past decade, the peoples of the Middle East looked to the future with great optimism. For the first time since the Second World War, nations and individuals allowed themselves to dream that the conflicts that had raged for so long, and claimed so many innocent lives, would henceforth be considered relics of history. They believed that we were entering an exciting new era, where conflict would yield to cooperation and the opportunities of a brave new world would replace history's bickering over land and resources.

Today, much of that optimism and excitement has been obliterated by the ominous smoke that inevitably rises from the region's ever more numerous suicide attacks and terrorist bombs. Fear and worry have replaced the hope that once prevailed. We now stand in danger of raising a new generation resigned to the reality of endless war.

We know from our own history, however, that that does not have to be. While war and terrorism have

characterized much of the Middle East's history in the last century, it is not the only path available to us. There is an alternative path — the path of dialogue and reconciliation, based upon the respect for the rights of all States and an unshakeable commitment to non-violence and mutual recognition.

It was that commitment that enabled Israel to conclude peace treaties with two of its neighbours, Egypt and Jordan. Those landmark events, which were the product of negotiations with truly brave Arab leaders, paved the way for the improvement of our relations with other States in the region, gave impetus to the bilateral peace negotiations between Israel and Syria, generated bilateral and multilateral regional economic cooperation and promoted the signing of Israel-Palestinian interim agreements which were intended to inaugurate an historic course of reconciliation between Israelis and Palestinians. They also demonstrated conclusively that only a negotiated settlement — not endless United Nations General Assembly resolutions — can bring peace to the region and prosperity to its people.

The hope generated by the Middle East peace process was founded on a simple yet profound notion — mutual recognition. When there is mutual recognition of the legitimacy and rights of all peoples and States in the region, the path of negotiation necessarily replaces the path of violence and imposed solutions. It is only when one side denies that legitimacy, that violence and terrorism become an acceptable means to achieve one's goals.

Israel proved then, and reiterates today, that it respects the legitimate rights of all peoples in the Middle East, including, of course, the rights of the Palestinian people. We are ready to implement the road map, as envisioned by President Bush in his visionary speech of 24 June 2002, and engage in genuine negotiations with our neighbours to reach a just and lasting settlement.

But the message we have received in return — from the barrage of terrorist attacks against innocent civilians; from the virulent incitement and anti-Semitism that plague much of our region; from the funding, support and glorification of murder as martyrdom; and from the endless resort to blatantly one-sided resolutions and selective treatment of Israel at the United Nations — is crystal clear. If one wants to really understand the causes of the Arab-Israeli conflict, one need look no further than the continuing refusal of too many countries in the region to recognize the legitimate rights of the Jewish people to self-determination in their ancient homeland, side by side with their Arab neighbours. It is this rejection that feeds the aggression demonstrated against Israel. And it is this rejection that has compelled Israel to focus on self-preservation and on the protection of its citizens.

For all the suffering caused to Israeli citizens by this policy of rejectionism and terrorism, the suffering and despair it has brought to Arab societies are in many ways just as tragic. For Israel this policy, while it has caused untold hardship, has also taught us how to defend ourselves. It has hardened our resolve and our dedication to protect the welfare of Israel's citizens and our legitimate rights, and it has encouraged a spirit of innovation and creativity in Israeli society that has made Israel a world leader in a wide variety of technological, scientific, agricultural and social fields.

For many States in the Arab world, the deadly combination of support for terrorism and repressive and non-democratic rule not only has failed to deliver any political gains, but promises only hopelessness and despair for Arab societies. The Arab world that has so much to offer humanity and that was, and must be again, a leader in many positive developments in scientific and human realms throughout world history has been set drastically backwards and off course by this terrible alliance between terror and tyranny. Terrorism is the enemy of the untapped potential of the men and women of Arab societies, at least as much as it is the enemy of the innocent victims around the world which it so callously targets. The Arab world in general, and Palestinian society in particular, serve as tragic proof yet again that it is not poverty that breeds terror, but terror that breeds poverty.

We can, if we wish, pretend that the Israeli-Palestinian conflict is the cause of all that is wrong in the Middle East. We can pretend that illiteracy, the lack of development and the terrible deficit in freedom and democracy from Yemen to Syria are all products of Israel's policy of countering the terrorism that targets its citizens. No doubt we will hear that tired accusation made again and again and again in today's debate, but too often the mantra of "root causes" and of "occupation" is invoked in the United Nations to justify the unjustifiable and morally bankrupt strategy of terrorism, rather than to really understand the problems plaguing our region. It is designed to

obscure, not to illuminate — to serve as a pretext for repressive rule. It fundamentally confuses symptom and cause.

If we want to truly get to the heart of understanding and improving the situation in the Middle East, we must look to the lack of democratic values and institutions. We must look to extremism, fundamentalism and intolerance. We must look to incitement, anti-Semitism and the rejection of the rights of others. We must look to the repression of women, the rampant corruption, the lack of transparency and the culture of lies. It is those factors, more than any other, that feed terrorism and warmongering, that prevent self-reflection and personal responsibility, that endanger and impoverish all the peoples of the region, and that block the achievement of a dignified and lasting peace. Democracies do not make war with one another and they do not sponsor terrorism against their own or each other's citizens.

If we are to honestly consider the situation in the Middle East, we must, sadly, admit that, while large parts of the world have discovered democracy over the past few decades, the Middle East, and especially the Arab world, have remained a dam of tyranny against the waves of democracy and an island of poverty in a sea of prosperity. These factors nourish and sustain much of the terrorism that has targeted innocents from Bali to Istanbul, and from New York to Jerusalem, and will continue to do so. Those factors and the fundamentalist mindset from which they originate have also prevented the creation of a political and cultural environment in which genuine peace and concessions are possible.

But those factors also led to a Middle Eastern catastrophe in the last century that has been too long denied its rightful place on the international agenda and which I would like to briefly draw attention to today: the systematic persecution of Jews in Arab countries.

While the history of the twentieth century reveals a consistent, widespread pattern of State-sanctioned discrimination, anti-Semitism and persecution of Jewish minorities by Arab regimes, upon the declaration of the State of Israel in 1948 the status of Jews in Arab countries changed dramatically for the worse. As virtually all Arab countries declared war or backed the war against Israel, Jews were either uprooted from their countries of residence or became subjugated, political hostages of the Arab-Israeli conflict. In virtually all cases, as Jews were forced to flee, individual and communal properties were seized and/or confiscated without any compensation provided by the Arab Governments involved, in clear violation of international human rights norms.

While history clearly reveals that there were major population movements that occurred during those years of turmoil in the Middle East, the fact that there were actually more Jews uprooted from Arab countries than there were Palestinian Arabs who became refugees as a result of the Arab-Israeli conflict has been conveniently forgotten.

The legitimate rights of former Jewish refugees displaced from Arab countries is an issue that has not yet been adequately addressed by the international community. Since 1947, there have been over 681 United Nations resolutions on the Middle East conflict, including 101 that refer directly to the plight of Palestinian refugees. Not one of those resolutions even mentions the plight of Jewish refugees, let alone calls for action to address their suffering.

If we are to address fairly the situation in the Middle East, the plight of those Jewish refugees can no longer be forgotten. No comprehensive Middle East peace settlement can be reached without recognition of and redress for the legitimate rights of Jews displaced from Arab countries.

In our annual statement on this item, we have usually drawn attention to the specific policies of certain regimes in the region that continue to foster acts of terrorism and advocate aggression against Israel and its citizens. We have spoken of the danger posed by terrorist organizations such as Hizbullah, Hamas and Islamic Jihad and of the extensive support, safe harbour and financing they receive from countries such as Iran, Syria and Lebanon. The destructive policies of those countries and the grave threat posed by those regimes and by the terrifying combination of Iran's illegal nuclear weapons programme, its hostile intentions and its repressive regime are well known to all representatives and to the world at large. The fact that these countries continue to sponsor terrorism — even as the world has united to combat it — remains a serious strategic threat to international peace and security.

But today we would like to focus on hope rather than danger. We believe that the peoples of the Middle East are no less entitled to democratic, transparent and

enlightened rule than the rest of the world's citizens. And we choose to believe that, sooner or later, a leadership will develop and emerge in the region that will guarantee prosperity, freedom, dignity and peace for all. We sincerely hope that the potential for positive change that has been initiated in Iraq and, to a lesser extent, in some other countries in the region will usher in a new era of hope and peace in the Middle East.

Israel prays for the prosperity and progress of our neighbours in the region. We hope that all citizens in the Middle East will be able to live in safety, security, dignity and freedom within their own sovereign States. And we remain ready to work together with all States in the region, not just to achieve peace and a normalization of relations, but also to jointly advance all fields of human endeavour for the mutual benefit of all our peoples.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): Before I start my statement today, I would like to make two remarks.

The first one is about the last speaker. Despite the disgust that I felt while he was giving his statement, I will try to stick to my statement and not turn it into a right of reply.

My second remark concerns the statement by the speaker before last, the Swiss Ambassador, and in this regard I would like to express our appreciation for the efforts that Switzerland has made to help the parties involved in the Geneva initiative reach positive results.

During the past year, the Middle East region endured more negative developments and further deterioration. Israeli colonial policies and war crimes in Palestine continued and so did suicide bombings in Israel. Tensions rose and the Arab-Israeli confrontation intensified. Polarization and religious extremism increased. Extremist organizations resumed their work, which included committing terrorist acts in their countries. The region also witnessed a new war and a foreign military presence, which is still present.

The situation in the region was also affected by developments in the international situation and that situation confirms once more that successfully addressing negative international phenomena requires resolving the situation in the region, particularly the Palestinian-Israeli conflict.

The Middle East conflict, with the question of Palestine at its core, continues to mean that at least part of the region has not yet fulfilled the goals of national liberation in all its complexities and all the consequent impacts on social, economic and political development. The Arabs perceived Israel as a foreign presence, representing foreign interests hostile to Arabs and their countries and aimed at obstructing their advancement. And what they witnessed in the unprecedented injustice committed against the Palestinian people has created a situation of enmity, which became entrenched over the years because of Israeli practices. What is even worse is what the average man on the street saw in Israel's refusal of the Arab leadership's attempts to reach a political settlement based on a two-State solution. Many Arab countries were involved in actual military confrontation with Israel and, as a consequence, some of their territory was occupied. The Arab countries and their peoples endured numerous sacrifices and huge financial losses in this ongoing confrontation.

Indeed, the Arab region is in urgent need of socio-economic development and democratization. But to try to evaluate the situation in the region and influence it while ignoring the above-mentioned facts reflects, at best, a lack of knowledge about the situation. Reaching the necessary goals, including the democratization process, requires, first and foremost, an end to the conflict. The Arabs will not be receptive to foreign efforts in this regard unless they are convinced that those efforts are honest and in the interests of the Arab citizenry. This cannot happen unless we have a balanced policy towards the Arab-Israeli conflict. In any case, and despite the need for the situation in the region to move in the right direction, this conflict will remain the core issue in this region until it is resolved.

We must keep in mind — as a serious goal — the need to end the foreign military presence in other countries or areas in the region. I refer here, of course, to Iraq. The military presence there should be understood as a strategic position and not as a tactical or immediate one. The transfer of authority and sovereignty to the people and their representatives would be a positive development. But in order to succeed and in order for Iraq to move towards a peaceful and stable situation, more parties from the international community and the region should be involved. What is more important is that the Iraqi people should be convinced that the foreign presence's departure is truly forthcoming. I would also like to emphasize the importance of maintaining the unity and

territorial integrity of Iraq and of rejecting the old colonial ideas on partitioning it, which have again been resurfacing. The Iraqi people are steadfast in their insistence on the unity and sovereignty of their country and should be supported in this regard.

Religious extremism is a phenomenon that is not confined to Arab and Islamic countries alone. In fact, Islam is currently subject to attacks both from within and from without: from within from extremist, insane groups that are foreign to true Islam; from without from those who are pushing for a religious confrontation. Suffice it to mention statements by some in the United States and Europe about Islam and about the Prophet Muhammad. These statements did not even provoke a reaction.

The fact remains that religious extremism is a phenomenon that can be found in all three monotheistic religions and even beyond. It is true that extremism in these three religions has different manifestations at this stage, but they definitely feed off each other. We should recognize this and we should confront it together. Our goal should be to fight religious extremism and nothing else.

The war on terrorism should remain a war on terrorist groups with global scope and a war against religious extremism. We must tackle the breeding grounds for terrorism, but we must also not allow the international agenda to be hijacked or to veer off course in favour of the narrow interests of a party at the centre of the conflict in the Middle East. I refer here to Israel. Israel's attempt to portray its conflict with the Palestinians, or even with Palestinian extremist groups, as part of the war on international terrorism is legally and politically wrong and seriously undermines the war on terrorism. Israel is an occupying Power that is engaged in a colonialist project.

The acts carried out by some Palestinian organizations against civilians in Israel are condemnable, but it should also be clear that such acts are only confined to Israel and have no global scope or connection to the ideological nature of international terrorism. What is more important, those acts are the product of occupation, colonization, oppression and Israeli war crimes, and are not their cause. Ending the causes of these acts will definitely put an end to the phenomenon of terrorism.

Some parties will have to choose: either a war on terrorism and Islamic extremism, which is a war we will not win unless the Arabs and Muslims wage it, or a war on the Arabs and Muslims, as Israel and some of its friends would like. Some parties must choose and we must clearly decide this question.

In summary, Israel's policies are the main reason for the problems of the Middle East. There should be different policies implemented either by Israel, which is something we hope for, or by the international community. Otherwise, the stakes will become too high.

Mr. Kronfol (Lebanon) (*spoke in Arabic*): Conflicts and wars have been succeeding each other in the Middle East for more than half a century, since the defeat of the Nazi armies in the Battle of El Alamein, until today. The region witnessed the end of the British and French mandate and the end of colonialism, but Palestine has remained the sole exception to the situation. We have seen the arrival of tens of thousands of Jews from Europe, scarred by war, to create a Jewish State on Arab territory. Those invaders terrorized and deported hundreds of thousands of Palestinians from their homes to neighbouring Arab countries and thus we saw the creation, in the heart of the Middle East, of a foreign entity working to expand its territory, to the detriment of the countries of the region, and laying claim to their wealth.

In answer to the remarks we have heard from the representative of the State that is the reason for the tragedy in the Middle East and for the oppression of the Palestinians, remarks about the oppression of Jews by Arabs after 1948, I think it is my duty to recall that the Arabs throughout history have given refuge to oppressed Jews since the fall of Andalusia. That has been the case with various forms of oppression over many centuries, above all, in Europe. No one attacked those Jews who had decided to live in the Arab world, until the creation of the State of Israel through a policy of blood and fire, a policy that made use of terrorism against Jews in other Arab States to prompt them to move to Israel to help establish a national, Jewish, racist homeland on Arab land.

When the Jews arrived in Palestine at the turn of the last century, Christian and Muslim tolerance in Palestine allowed them to settle there. They then made use of the British mandate for Palestine to arm themselves and to carry out massacres of the Arabs in Arab territory. At that time Jews no longer enjoyed the hospitality of the Arab States, and today we wonder

why Israel is working hard to bring all the Jews of the world to the Jewish State, when in fact those Jews live in safety in other countries. We wonder why Israel asks them to come to Israel when it is creating various kinds of destruction and sabotage in the region. That foreign entity unleashed the first Arab-Israeli war in 1948, which concluded with a ceasefire and a truce, which the Arabs hoped would be an opportunity to find an international solution that would allow the Palestinians to return to their homes.

But the truce did not last. In 1956, Israel engaged in the tripartite aggression against Suez in Egypt; in 1967 the second Arab-Israeli war was launched and the Israeli army swept through three Arab countries. In 1973 the third war was waged, followed by the expansion of the battlefield through the invasion by Israel of my country, Lebanon, in 1978 without any valid reason, except for the pursuit of Palestinian refugees. In 1982, Israel again invaded Lebanon and reached its capital, Beirut, and it did not withdraw until it was forced out by the Lebanese resistance that lasted more than 22 years. The Arab-Israeli conflict has not yet ended and we have not yet found a solution to the question of Palestine.

The Middle East has seen other wars, including the War of Yemen, the first Gulf War, the second Gulf War, the Ogaden War, the campaign against Somalia, the war between Ethiopia and Eritrea, the conflicts in southern Sudan, the war of liberation of Kuwait up through the Coalition campaign against Iraq. The cold war played an insidious role in fomenting these wars and conflicts. All of that has transformed the Middle East into an issue of daily concern for the entire world. That is due to a precious strategic material, namely, oil, which controls the economy and the future of the world.

After the end of the cold war and the collapse of the Soviet Union, the world began to seek a new order for the region that would allow for a political solution to replace the ongoing wars. Experts have tried to resolve the Palestinian issue and the Arab-Israeli conflict through what has been called a solution to the Middle East conflict. That requires the participation of a number of countries and the finalizing of a plan that would allow for peace by consensus between the Arabs, including the Palestinians, and the Israelis.

After tireless efforts, the international community was able to convene the Madrid Peace Conference, during which the parties reached agreement on the principles and basis of a lasting, just and comprehensive peace in the Middle East. All the parties accepted those principles and those foundations, including the principle of land for peace, but Israel accepted that grudgingly. Peace for Israel meant, and continues to mean, the end of the Zionist dream of expansion, and the submission by Israel, like other countries, to international law. It therefore hastened to sidestep the Madrid agreement by imposing additional conditions on the Palestinians to deprive them of their most fundamental rights. This was done within the framework of the Oslo Agreement, which plunged the peace process for ten years into the swamp of negotiations, while Israel refused to give the Palestinians any rights that would allow them to create their own State on their national soil. Israel insisted on keeping the occupied lands under its control, as well as all components of Palestinian sovereignty. The situation continued to deteriorate up to the present Government in Israel, which has even rejected implementation of the Oslo Agreement, and has turned negotiations with the Palestinians upside down. It went further by blaming the Palestinian Authority and its legitimate leadership for terrorism, sabotage and corruption and destroying its strong holds and institutions.

Once again, Israel totally ignored the Madrid decisions and the Syrian, Lebanese and Palestinian tracks. And yet once again, the peace process has stumbled because of Israel intransigence. However, the international community has not given up and it has tried once again through the Quartet to establish a mechanism known as the road map, aimed at bringing the parties back to the negotiating table. Israel rejected the road map the day it was adopted in the Security Council a few weeks ago. Israel set various reservations on it, 14 in all. Israel has continued to demand more time to put an end to the resistance of the Palestinian people to Israeli occupation. More than two years later, the Palestinian people continue to resist that occupation.

The intransigence of Israeli Governments has aborted all international efforts to find a peaceful solution to the Middle East conflict and is still continuing. We have heard today that the entire region needs to be changed if we are to have peace.

The whole world knows today that Israel is the obstacle to a comprehensive and just peace because of

its continued refusal to recognize the right of the Palestinian people to create their own State on their national soil within the border as of 4 June 1967 and because of its refusal to withdraw from the occupied Syrian Golan and other occupied sites in southern Lebanon, such as the Sheb'a farms.

My country and the other Arab countries have opted for peace as a strategic choice. The Arab leaders at the Summit Conference convened in 2002 in Beirut unanimously adopted an Arab peace initiative aimed at the implementation of United Nations Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973), as well as General Assembly resolution 194 (III), and the Madrid decisions and the principle of land for peace. Israel, however, has ignored this initiative and has continued to perpetuate atrocities against the Palestinian people.

My country and the other Arab countries cannot accept Israel's continued refusal to implement United Nations resolutions and its continued description of Palestinian and Lebanese resistance as terroristic. The liberation of land from the Israeli occupying army is a national duty. If the policy of the Israeli Government continues to be one of rejecting peace efforts, there is no doubt that resistance will continue, as well as martyrdom and the shedding of innocent blood on both sides.

The Middle East region has been battered and bloodied for more than 50 years now. The battlefield has expanded to include Iraq, and the nationalities of the widows and orphans has become more numerous. Now these include widows and orphans from peoples all over the world. No people has the right to seek its own security and safety by violating the security and safety of other peoples. The Israeli aggressor, the occupier of the territory of others, has no right to claim to be in danger. All it has to do is withdraw from the territories it is occupying and, like others, respect international law and United Nations resolutions. It is high time to implement those resolutions.

The meeting rose at 1.10 p.m.